This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

ESEARCH LIBRARIES
3 07609274 5

THE NEW YORK
PUBLIC LIBRARY

ASTOR, LENOX
TILDEN FOUNDATIONS

[See p. 249

"YOU'VE MADE YOUR FIGHT, JACK—AND YOU'VE WON"

THE
WITCHING HOUR

By

AUGUSTUS THOMAS

ILLUSTRATED FROM
SCENES IN THE PLAY

HARPER & BROTHERS PUBLISHERS
NEW YORK AND LONDON
MCMVIII

THE NEW YORK
PUBLIC LIBRARY
833253
ASTOR LENOX AND
TILDEN FOUNDATIONS
R 1918 L

NEW YORK
PUBLIC
LIBRARY

Copyright, 1908, by AUGUSTUS THOMAS.

All rights reserved.

Published October, 1908.

ILLUSTRATIONS

"YOU'VE MADE YOUR FIGHT, JACK—AND YOU'VE WON" *Frontispiece*

"I'M AWFULLY IN LOVE WITH YOU" . . . . . *Facing p.* 46

"SHALL WE SAY TO THE WORLD—'WE TOLD YOU SO'?" " 76

"I'VE KILLED HIM, MOTHER! I'VE KILLED HIM!" . . " 92

"'COULD SHE THINK OF A SWEETER WAY?' ISN'T THAT CHARMING, EH?" . . . . . " 152

"I'D LIKE TO KNOW HOW IN HELL YOU DID THAT TO ME!" " 216

"WHAT ROT! THAT'S ONLY MY NIGHT-KEY—LOOK AT IT! I HAVEN'T THE SCARF-PIN ABOUT ME!" . . " 230

"GOD A'MIGHTY GIVES YOU A MIND LIKE THAT, AND YOU WON'T GO WITH ME TO CINCINNATI!" . . . . . " 240

THE WITCHING HOUR

THE WITCHING HOUR

I

THE audience that filled Macauley's Theatre was one of the most intellectual and fashionable that Louisville had ever seen. The lighter operas were not uncommon, but Wagner was a curiosity if not yet a fad, and both the curious and the devoted were in attendance. The curtain had gone up on the final act.

Jack Brookfield was leaning against the back wall of the auditorium. He was watching the occupants of the proscenium-box just over the drummer—more especially the man and the boy and girl who occupied the three chairs in the back of the box. Besides Brookfield himself these three were perhaps the only persons not intent upon the scene on the stage.

Brookfield could see, as he watched her through his glasses, that his niece—the girl in the box—was annoyed. He knew her temperament well enough to interpret accurately the sudden frown, the spasmodic twitching at one corner of the shapely mouth. He also knew well enough the man who was breathing

over her shoulder to divine that some offence was being given.

The boy in the box watched the couple beside him with jealous eyes.

Presently the man, with a motion that confessed the clandestine character of his speech, oblivious of or indifferent to the boy who watched him, turned with the directness of one positively spoken to and looked across the theatre into Brookfield's glasses. Brookfield shifted his gaze to the stage, but not quickly enough to avoid the man's detection of the fact that he was being watched. The girl, who sat slightly in front of him, was in some way, though without communication, aware of his action, and, turning, she also looked at her uncle. But Brookfield was now intent on the stage, and the man in the box, finding himself no longer watched, continued his addresses.

"This isn't an opera audience," he said; "it isn't an opera company. Some day you will see the real thing at Covent Garden or at La Scala."

The girl shrugged her shoulders.

"Oh yes, you will," he persisted; "I'll take you there."

The girl spoke to him obliquely behind her fan. "I wish you wouldn't talk to me now—I want to listen to the music."

Hardmuth leaned back in his chair and readjusted his shirt bosom, which was bulging from the waistcoat. He turned to the boy, and in rough playfulness put a strong hand on his knee and gripped it viciously. The boy, angrier than before, threw Hardmuth's hand from his knee with an exclamation that

caused those near them to breathe a sibilant expostulation, and the three persons in the front of the box looked back inquiringly. The girl, flushed with embarrassment at the attention they had attracted, and, wishing also to fix that attention upon the proper offender, said:

"You see, you are disturbing the audience."

"That shows we're the real thing," Hardmuth answered, laughing audibly.

The indignant persons in the parquet shifted uneasily in their seats. The girl's mother turned to the couple with a warning finger on her lips, and with an admonitory "Viola" to her daughter and a vexed "Clay" to the boy, the box-party subsided into quiet. But as the incident passed and the others became absorbed in the action on the stage, Hardmuth hitched his chair a trifle closer to Viola and resumed his staccato whisper over her shoulder.

"You know when I said I'd take you there I didn't mean you'd go as a prima donna and that I should go as an impresario—don't make any mistake about that." He touched her suggestively on the elbow and leaned back with a smile of self-satisfaction.

Hardmuth's experience with the women he had known had taught him that an attempted approach to their favor through compliment and delicate service was good time wasted. He believed that the atmosphere of shyness which surrounds most girls of Viola Campbell's age was assumed—that it was a little barrier of hypocrisy before which they kept in waiting the timid applicant while they examined him at leisure. His experience had justified his

belief that this insulation could be broken through, perhaps utterly dissipated, by a few diplomatic but no less forceful shocks to their sensibilities. He had also by nature and by cultivation the safe and tentative method of approach in which the cheap politician and corruptionist is skilled. With him insulting audacity masqueraded as tolerable playfulness. If rebuked, it was *gaucherie;* if accepted and successful, it was conquest. He leaned slightly to his left, and through the tail of his eye endeavored to ascertain how Viola had taken his sally. Perhaps she had not understood him. He remembered previous occasions when he had been too indirect. He therefore returned to the charge.

"I'm not going as a Cook's agent—don't mean to take the entire seminary class." He paused watchfully. "And I think I could arrange it with mother."

The sextet on the stage was finishing at that moment, and, under cover of the applause that followed, Viola leaned forward in pretended comment to Ellinger, who sat in the front of the box with Viola's mother and Mrs. Whipple. Hardmuth was in doubt. The conductor lifted his baton for an encore, the house recomposed itself. Viola was too inexperienced to proceed courageously with her half-formed intention to change seats with Ellinger; moreover, there was another admonitory glance from her mother, so she fell back and kept her place.

Hardmuth admired the ample arch of her neck, as he would have admired a similar point of excellence in a Kentucky horse. During the half-minute since he had spoken to her there had gathered under the fine

outline of her cheek and partly overspread her throat some inter-blending spots of red, like thumb marks. They were unusual but not especially novel trophies to Hardmuth, and they had not yet been danger signals; the girl was certainly not as indifferent to him as she had pretended. Hardmuth was so constituted that in the absence of direct evidence he would never interpret a departure from indifference as a sign of disfavor. Viola's agitation encouraged him.

"I said I thought I could fix it with mother, and I'm sure I could fix it with your uncle Jack."

An instant look of relief came over Viola's face at the mention of her uncle. A sense of protection was always present with her whenever she thought of him; there was no danger from this man at her side, nor from any man, while she had Uncle Jack. The expression of relief lilted into half a smile. Hardmuth tapped her approvingly and dominantly on the elbow, and added:

"And I will fix it!"

That she drew away her arm, that she turned with a frown above open eyes and with lips parted in a swift impulse of resentment, meant only spirited going to Hardmuth. She had smiled at his proposal to fix it with Uncle Jack, and by the method of Hardmuth's measure negotiations had been opened.

Brookfield had moved from his position at the back wall to the newel-post of the balcony stairway which mounted from the broad foyer of the theatre. He was thinking of Hardmuth's consciousness of the fact that he had been watched. The thought recurred to him vaguely that he had read or heard it said some-

where that almost any person, if regarded intently, would turn about and look at the gazer. He was wondering whether it was merely superstition or fact, whether it was a power resident in the one who looked or a sensitiveness belonging to the one observed, when without apparent cue or suggestion he felt a tingling at the roots of his hair and a slow creeping through the nerves of his shoulders. He turned with an unwonted sensation of awe and found himself looking into the eyes of an old man who stood in the private doorway that led from the foyer of the theatre to the manager's office.

Brookfield saw only the eyes.

He had a misty impression of a forehead surmounted by white hair. There was also the impression of a smile tolerant and fraternal; of a figure graceful and dignified. There was the sense of a second figure at its side, but if Brookfield had been asked to tell what he saw he would have said: "Only a pair of eyes."

The gaze was but momentary. The old man seemed to defer to his companion, whom Brookfield recognized as the most distinguished editor in the South; and then he saw the two elderly men go back into the manager's office.

Brookfield had the habit of excessive candor, especially with himself. He had a fair capacity for self-analysis and an absence of conceit that left him with an accurate sense of proportion where his own qualities were concerned. He found himself at the moment disturbed by a distinct sense of inferiority, not to say guilt; he was puzzled to account for it. Was

it due to the fact that he had been apparently surprised in his surveillance of the party in the box? Was it something about himself that he subconsciously felt the editor might impart to the stranger? Was it any shade of implied superiority in the tolerant smile of the old man? As he questioned himself he felt that it was none of these. He had been conscious of the feeling at the moment when he first turned and met the stranger's look and before the other considerations had been evolved.

Who was the man?

Brookfield would know. He handed the borrowed opera-glasses to the usher and tiptoed as quietly as possible from the foyer, through the swing-to doors of baize into the long lobby of the theatre, from which a door opened into the manager's office at right angles to the one in which the two old gentlemen had stood. But his moment of introspection and hesitancy had cost him the desired information for the nonce, for the two men were just crossing the sidewalk at the farther end of the lobby. Brookfield followed some forty feet to the main entrance, where he paused and watched them cross Walnut Street diagonally to the left and enter the Pendennis Club.

The Pendennis Club at half-past ten was practically deserted. One reason for this was the unusual opposition of a Wagner opera at Macauley's; another reason was that the club is what the younger set called an old man's club. The editor and his guest peeped into the spacious and home-like library, with its carpet of green and its furniture of mahogany and

Russia leather, and, as they hesitated a moment at the door of the billiard-room, a colored boy came forward to take their hats.

"No," said the editor, "we are going back again. What will you drink, Mr. Justice?"

"Is that imperative?" asked the older man.

"It is customary, sir."

"I think I will watch you." The editor gave his order. "And, boy, bring it up-stairs—the little room where the piano is."

"Yes, sir."

The gentlemen mounted the two short flights leading to the second floor, and moved forward to the little room which, in the remodelled club, has since been thrown into the dining-hall.

"Go ahead." The Justice waved his hand easily toward the upright piano standing at the wall. "I'd rather hear you ramble over this key-board than listen to that organized and pompous procession of sound across the street."

"The dry spells are a little wearisome, but you'll certainly like this."

Then the plump but agile and almost feminine fingers drifted easily and sympathetically over the keys.

When the darky boy came in with the carafe and siphon and the clinking ice, the Justice was leaning back in his easy-chair and the editor was finishing his sympathetic approximation of the Wagner melody. The music ceased as the boy put his tray on the table.

"What is that?" asked the Justice.

"That's bourbon, sir," replied the boy, with celerity.

"I was speaking to the Colonel."

"Excuse me." The boy left him.

"That's the melody of the sextet that you would have heard if you had taken my advice and remained a moment longer." Then, as his thought went back to the theatre, and the subject of their conversation before they left it, the editor said:

"What do you want to know about Brookfield?"

"In the first place, I wish to identify him. Is there another Brookfield in the city?"

"None that I know." Then quickly: "Except his sister, Mrs. Campbell; they are the last members of the family."

"The Brookfield I mean," said the Justice, "is a man who buys pictures."

"That's Jack."

"Does he sell them?"

"Well, not as a business, but I think he is human. Have you some pictures to sell?"

The Justice shook his head. "I understand that Mr. Brookfield, of Louisville, bought a picture which I had coveted for several years. I don't know that I could buy it. When I saw it at the dealer's in New York I felt that its price was beyond the purse of a man in my position. Do you know Mr. Brookfield?"

"Painfully."

"Why painfully?"

"Well, I've made some reckless contributions to his bank account. Mr. Brookfield runs a gambling-house."

"Oh! You mean that you would not care to communicate with him personally?"

"I don't mean that—on the contrary, I don't know of anything that would give me greater pleasure than a half-hour or half-day, or, for that matter, a half-year with Jack Brookfield. There isn't a more entertaining man in the State. Do you wish me to see him for you?"

"I'd like to know if he has the picture in question, and if he would consider a reasonable offer for it."

"Why don't you see him yourself, or with me?"

"I have my reservation on the morning train for Washington."

"See him to-night," prompted the editor.

"Is that possible?"

"We can find out, and I am almost sure it is. He has this box-party with his sister and niece across the street. Most probably he will take them home and then go to his game. At any rate, we can go over and ask him, or we can wait a half-hour and telephone him."

"I should think telephoning the better plan," said the Justice. "If we spoke to him now the inquiry would have somewhat the color of a request. If his game is open and the gentleman is doing business when we telephone, it would be no particular hardship to receive a caller for a few minutes."

"Are you sure, Mr. Justice," the editor asked, with a smile, "that you would be superior to the blandishments of the fickle goddess if you came within ear-shot of the chips?"

"I should be interested to see," the old jurist an-

swered. "I haven't made a bet on anything more important than that little game of penny ante that the Secretary used to have at the Shoreham since I have been in Washington. Do you remember that week at Chamberlain's, when Raymond was playing at the National?"

"Perfectly. Won't you change your mind about this?" indicating the carafe. "I mean to have another myself."

The Justice gave a little wave of assent, the editor touched the push-button by the mantel, and the talk drifted into a field of fellowship with an atmosphere of chance and good living and retrospection.

Brookfield paced thoughtfully the long lobby of the old theatre. Despite the fact that his figure was what a Louisville darky would have described as "kind o' settled," there was about it certain marks of the athlete. The chest was deep, the head well set on the shoulders. When he reached the end of his beat and started back, the turn and the first step to the rear were propelled from the ball of the foot that had arrested the forward motion—there was no halt and turn-tabling on the two feet. As some thought added emphasis to his motion, there was a "boring in" with the left shoulder that is sometimes noticeable in one who has had reasonable practise at sparring. He took a hand from his pocket. It wandered uneasily, but not nervously, over his cheek and chin. The hand was broad and long. There was vitality in the thumb and imagination in the outer ball of the palm. It had latent grip. The fingers tapered, but not un-

pleasantly. Brookfield's face had more strength than beauty. It might have been thought to carry too much flesh if the planes of it had been less modelled. The protuberances over the eyes were menacing. The nose was ample in bridge and profile, slightly more than aquiline with that spread of nostrils which some associate with economy. The lips were full and saved from sensuality by the length and firmness of the upper one. The nether lip had an oratorical pout. The eyes were full. At their outer corners the phrenological bump of calculation overhung and in certain portions hid the upper lid. Below the eyes there was an inclination to puff. The eye itself was the uncertain color of smoked glass. When Brookfield smiled his eyes were almost blue; when he swore—and he swore occasionally—they were quite black; but they were always level, fearless, unwavering. The head was round and fairly large. The ears were noticeably low in position, indicating a capacious brain-pan. At the base of the skull behind there was a fulness not altogether pleasing to the sight, but, like all men similarly endowed, its possessor had an occult and reciprocal understanding of all dumb animals.

As Brookfield paced back and forth he endeavored to get his mind away from the stranger who had so singularly attracted him—and the old lobby was potent with suggestion. Except for an occasional single picture here and there, which he recognized as recent additions, its walls closely and irregularly covered with faded and fading photographs, were as he remembered them to have been for the past twenty years. Favorites of the theatre-going public of the

days of John Owens and the elder Davenport were represented there; Goodwin, juvenile and sleek and slight, as Brookfield remembered him in the early days of his popularity; Joe Emmett, another helpful patron of Brookfield's establishment; John Raymond, with whom, when it had been necessary to leave the table for the theatre, he had repaired to the old actor's dressing-room and continued the contest by matching silver dollars during waits. These and hundreds of others gazed at him with the well-remembered looks of early friends.

There was a patter of metallic taps on the tiles behind him. Brookfield turned to meet a shaggy, rheumatic and over-fed dog, half Irish terrier and half bull. The dog wagged his stumpy tail and turned over on his back, all four paws in the air, at Brookfield's feet. Brookfield understood the request, and as he scratched the shaggy belly with the toe of his pump he said, "Where's your master, Bert—where is he?" Bert interpreted the remark to be a request for his opinion upon the character of the massage, so he wriggled electrically and smiled dog fashion. Knowing that the manager of the theatre was not far off when the dog was in the lobby, Brookfield moved back toward the private office. The dog preceded him and stood expectantly at the second door, which was the one leading into the theatre. Brookfield opened it; the dog went into the auditorium, as was his undisputed privilege, and Brookfield followed. Bert pattered down the side aisle and into the prosceniumbox, by which Brookfield knew that the manager was probably on the stage. He desisted, therefore, from

his purpose in following the dog, especially as his knowledge of the opera reminded him that it was nearing the final curtain. He stood looking over the audience.

The distinctive charm of Macauley's Theatre is its somewhat antiquated model: a wide and shallow parquet floor surrounded by a dress-circle, dish-shaped, the rise a little more acute than that favored by modern architecture, but making it possible for every one in the theatre to see everybody else, and giving to it that feeling of intimacy and homelikeness so dear to the Southern heart. Except for a few purchasers who had drifted in from the hotels—the small percentage of transient visitors — the ground-floor members of the audience of this night were almost a family.

It was an assemblage melancholy for Brookfield in its suggestion. His business made him the intimate and confidant of many of the men present, who had passed him with slight recognition in the intermissions. His profession had estranged him from many of the families represented, in whose homes he had been a welcome visitor two-and-twenty years before. His position, as he stood there alone at the rear of the foyer, symbolized his social isolation.

Brookfield was not made for self-pity, but there came upon him to-night an overwhelming sense of the distress which his perverse course had brought upon those dearest to him. He looked toward the box in which, as he could see by Ellinger's pose, the old sport was scratching the manager's dog, more interested in the animal than in the opera. He felt a keen remorse that, aside from the boy, whose record was

yet to be made, the only escorts he had been able to provide for his sister and his niece had been this old card-player, Lew Ellinger, and Hardmuth, the sinister attorney, whose attentions to Viola had evidently been distasteful. He felt an equally keen regret when he considered the boy, a talented and promising young architect just turned twenty, and reflected that but for the blighting profession to which he had himself been so devoted, he might now be the father of such a boy and the husband of the woman, serene and stately, whom the boy called mother.

The finale of the opera rang out in vocal volume and flared through brass and reed, stirring in Brookfield a little of that militant resolve which sometimes rises Phœnixlike from the flame of remorse. There was the *agitato* of the conductor's baton, the sudden roll of the timbrels, the long note of principals and chorus, and the drop-curtain fell, displaying its wooded scene of grazing sheep and watching shepherd, lake and distant hills. The great sunburst in the dome shone out, the audience fluttered to its feet. Brookfield, undecided and irresolute, passed through the lobby, with its faded photographs, to the sidewalk, and signalled for his automobile.

II

THE dining-room at Jack Brookfield's was nearly square in form, and larger than most city dining-rooms even in a land of generous domestic architecture.

One side of the room was half filled by a stately mantel-piece, not too floridly carved, of old marble brought from an Italian palace. A man of Brookfield's height, by stooping, could walk into the fireplace; the average girl, like Viola, for instance, might stand erect in it. Over the mantel and reaching to the ceiling there was the picture of a moonlit sea built into the trim. Near this a dependent cross-timber of the ceiling hid the electric lamps, whose rays fell upon painted sky and water with luminous brilliance and by their reflection gave to the room the mellowed light which was its only illumination.

Brookfield had left orders for the supper, and when the party arrived from the theatre the plates were laid for the expected guests; each plate, with its flanking outriders of silver and ivory and glass, picked out from the dull mahogany with its individual square of Belgium lace. On the rich centrepiece of the same material lay a modest bank of red roses.

In any department of taste Brookfield was either too sensitive or too well informed to offend by any

sign of ostentation. The flowers were just enough; the glassware promised only Apollinaris and champagne; the forks prophesied a simple and digestible supply. Old Harvey, Brookfield's colored pantryman and nocturnal *chef*, stood by, a smiling guarantor of culinary excellence.

As the four men waited the arrival of the ladies in the library during that moment of unavoidable delay which always occurs on such occasions, Lew Ellinger found time to leave them and join Harvey in the dining-room. A stranger uninformed of the unblendable property of the color-line South of the Ohio might have fallen into the error of supposing that Ellinger and Harvey belonged to the same brotherhood. No word was spoken, but as the old *bon vivant* lifted his left hand, with the first two fingers slightly crooked and the thumb at a sufficient elevation, Harvey said, "Yes, suh; yes, suh," twice, and then again in mystic and lulling repetition as he handed Lew a Liliputian tumbler and a decanter without the stopper. As Ellinger poured the dark, red fluid into the glass with the measured accuracy of a practised pharmacian watching his graduate, he said:

"You may put this bottle right in front of me at the supper-table, Harvey."

"Yes, suh."

"I've quit flirting with that giddy stuff years ago."

"Yes, suh."

Whether it was the recollection of this permanent and enforced separation or his failure to take the glass of water which Harvey handed him, there came into Ellinger's eyes a gentle moisture. He removed it

with a needlessly sheer handkerchief which he found in his left cuff after a fluttering search elsewhere.

Ellinger heard himself inquired for in the next room. There was the hum of women's voices mingling with the deeper tones of the men, and he had just time to meet the party at the doorway. With a facile mendacity that deceived nobody, Lew said:

"I've inspected everything, Jack, and it's perfect. Ladies, we are to be congratulated."

"What a beautiful room!" Helen exclaimed, as they entered the dining-room.

Brookfield deferred the compliment to her son.

"Yours?" Mrs. Whipple exclaimed, afresh. "Why, Clay, dear!"

"There's one somewhat like it in a château in Tours," the boy confessed; "it's pretty hard, mother, to be entirely original." Then Jack came to his assistance.

"Clay's problem here was to follow his Touraine model, without the height of the original, and not have the room seem squat. I think he answered it by the refinement and number of the cross-beams; but however he did it he answered it satisfactorily, and that's sufficient success for a broiler."

Hardmuth's laugh, which he offered as a recognition of Jack's pleasantry, was a too rasping enforcement of it, and turned an intended compliment into seeming criticism. Clay frowned petulantly, but Brookfield, with a counterpointing tact which was a marked possession of his, continued:

"And I'm going to put the distinguished architect on my right."

"Not Helen?" his sister inquired.

"I want Helen where I can look at her." And Brookfield cast an explanatory glance toward the boy that would have revealed the situation to a mother much less intuitive than Helen Whipple, who already divined the rivalry between Hardmuth and her son and was grateful for Jack's sympathy.

"We're seven, aren't we?" Jack hurried on.

"We—are—seven," Lew recited, in labored repetition, with mildly literary enjoyment of possible quotation.

"And seven into sixty goes eight times and a half," Brookfield said, indicating the outline of the round table as he drew out his watch.

"Into sixty?" Mrs. Campbell asked. She always needed a guidebook when conversing with her brother, who was wont to tease her. Ignoring her question, he fixed his look on the dial over which his thumb picked out the points.

"Assume that I'm standing at twelve o'clock, Clay will sit eight minutes to my right, you will be two minutes of two, dear Alice, and Mr. Ellinger will be three-three. Helen, will you take that chair near five o'clock? Mr. Hardmuth will sit at seven, and that leaves Viola between Mr. Hardmuth and Clay, at about two minutes of nine."

"Well, what do you think of that?" Ellinger beamed, in mediocre admiration, as he found his chair between the two older women. "Isn't that just like him?"

Helen remembered that it was.

"As like him as two peas," Ellinger rambled on, inconsequently. "Jack turns everything into a diagram. I saw him draw an after-dinner speech once on a table-cloth. Yes, sir — draw it, and it was a blamed good speech—but to look at it—reminded me of a dog's pedigree exactly."

Helen would have understood the diagram quite as clearly as she understood Lew's similes, but she recalled without assistance that sculptor-like quality in Jack of mentally seeing all things, tangible or intangible, in geometric plan.

"This affectation of density concerning the place of honor doesn't deceive you and me, Miss Viola, does it?" Hardmuth asked, as they sat down. "We know it's to the right of the lady."

"Uncle Jack selected Mrs. Whipple as the lady to sit opposite him, and Mr. Ellinger's at *her* right," she replied.

"There's no lady opposite me, Viola," her uncle corrected; "our disposition of seven leaves that a vacant spot, as you see. It symbolizes the tragedy of a bachelor's life."

"He means *one* of the tragedies," Ellinger stage-whispered to Helen, in mock consolation.

"Exactly," added Hardmuth, from her left. "That tragedy pose of Mr. Brookfield's is what men in my business call an 'alibi.'"

"And may I ask, Mr. Hardmuth, what men in your business do?"

"Men in his business are the awful prosecuting attorneys of this country," Ellinger answered, warningly.

"You see the beauty of my method, Mrs. Whipple," Jack remarked, sagely. "Seating you between Mr. Hardmuth and a questionable person like Mr. Ellinger is what I call 'tempering justice with mercy.'"

"Do you understand what they're talking about?" Viola's mother asked, helplessly.

"I try not to," Helen answered, smiling at Jack's metaphor.

"Here's something, my dear sister, really addressed to your comprehension." And Brookfield indicated the cup Harvey had just put on Mrs. Campbell's plate.

"I think it's gumbo," Ellinger whispered to Helen —"chicken gumbo strained—this old darky beats the world at it—just enough of everything—taste it—see? Notice how you get the chicken and the celery and the pepper and the gumbo and the salt and the consommé, each one answerin' like a roll-call in a bible-class—ain't it perfect?"

Ellinger's voice seemed to fit in with the half-light of the room, the old finish of the furniture, and the ivory tint of the doilies. It was the voice of a vintage—a voice that could have issued only from that genial, ruddy face whose permeating good-nature was the compensation, and perhaps the product, of its dulness. Helen remembered Lew Ellinger in his early forties, more than twenty years before, when the hair, now white, carried only a tinge of gray at the temples and the short mustache was black. She remembered his clothes. That had been an epoch of wide braid and silk facings in men's wardrobes. She remembered being told that it was a point of pride

with Lew never to be seen without a fresh pink in his button-hole. He was wearing a pink to-night. The voice had been mellow in those days. It was now almost demoralizing in its suggestion of creature comforts, in its muffled, oily, and smoky familiarity. Helen recalled Ellinger's reputation of that olden time — "a perfect gentleman, reliably punctilious in all circumstances as long as a lady did not forget herself"—despite which reassurement from the passing biographer grandma had not permitted mother to go driving with Mr. Ellinger. And here he was to-night, smiling to Helen herself in quite disappointing harmlessness, his glowing face with its keen little eyes of blue presenting all the colors of an American flag.

Through the mist of her wandering attention Helen retrieved his voice and laid hold again of its message.

"—And then he varnishes the inside of the tomato with hot paraffin, lets it cool, and puts the ice-cream and the muskmelon inside of it," Ellinger was saying.

Was he still talking of Harvey?

"And how long have you known him, Mr. Ellinger?" Helen reconnoitred.

"Why, he cooked for Jack's father."

Harvey, of course.

"Doesn't it seem good to you, Mrs. Whipple, to get back to Kentucky and some real cooking?"

"It's wonderfully restful to be in the old home again."

"But the cooking?" Ellinger pleaded.

"Philadelphia has some pride in that field."

"I know it," Ellinger admitted. "I remember eat-

ing my first oyster-crabs Newburg in a little red-brick hotel—the old Belleville."

"Bellevue," Helen corrected.

"I meant Bellevue." And once more Lew's memory led him to revel in the description of a menu, this time the one that had framed the hallowed baby crabs.

A term of special succulent stress caught the ear of Mrs. Campbell, Lew's other neighbor, and drew from her an inquiry. Mrs. Campbell's sympathy with the gastronomic tastes of the old sport was less feigned than Helen's, and Lew lived again the joy of the connoisseur over the phantom banquet he spread for her imagination in the vanished room of the famous old hostelry.

Through the courses of terrapin and plover, as Harvey served them, Ellinger talked with the fluency of the amateur, sometimes to one, more frequently to six, his throaty tones caressingly lubricating his theme, and convincing almost the least sanguinary that the *bonne bouche* of this repast was the brain of the plover. This was secured, Lew explained, by holding the plover's severed head by its bill and nipping one's front teeth through the paper-shell skull. His illustration of this incisive process, and the luscious though scarcely audible inhalation that was an unavoidable part of it, sent little shivers over Viola's shoulders. Ellinger, temporarily estopped of speech, pointed to the girl's face, tensely awry in mimetic contemplation of his own, and the general laugh released her from her auto-hypnosis.

Aside from their occasional attention to such com-

pelling demonstrations as this, Helen found her thoughts rambling leisurely. Hardmuth was noticeably engrossed in Viola, and his perfunctory asides to herself marked only the moments of general comment.

How unlike this table-talk had been that which Helen Whipple had known during the past twenty years! There came into her mental vision in easy and blending succession pictures of the breakfast and dinner table, of the little dining-room in the red-brick, rectangular dwelling at Germantown, in which she and Dr. Whipple had lived during the early years of their marriage; of her lonely vigils there as the doctor's increasing practice in the city called him from the pleasant suburb; Clay's nursery years, when the breakfast had been devoted to the doctor's morning paper and to her care of the china within reach of the infant missiles; then the staid and formal house in Philadelphia into which came the reflected anxiety of the busy physician, the domestic communion unhappily abridged by his professional programme and interrupted by calls telephonic and personal. Only the sober, the serious, the dutiful side of living—a long, prosaic period of unmitigated strain and stress.

Looking across the table at Jack, what a contrast she found in his amiable and expressive countenance to the tense and severe visage of her late husband! Brookfield's face was very different from the same face, as she remembered it, in its early manhood, and yet the difference was one for which she had been not unprepared. As she realized how often in the in-

tervening time she had permitted her mind to dwell upon this earlier suitor she felt a self-accusing sense of disloyalty to the father of the boy now sitting at his right. She was startled to find that her feeling of ease and relaxation in her present situation was due not entirely to either the absence of domestic care or the regained associations of her girlhood. Much of the purring comfort of her position was caused by the proximity of this powerful man, who had somehow and without communication never been quite absent from the penumbra of her thought. What companionship there was now in his very glance!

Brookfield himself, almost silent between his sister, who was analyzing recipes with Ellinger on one side, and Helen's boy, who was hovering a youthful protectorate over Viola on the other side, found amusement in telegraphing to Hélen a mental comment upon it all. Under that heavy and apparently phlegmatic mask Helen could see the play of his thoughts like summer lightning behind an evening cloud-bank —the veriest ghost of a smile from one corner of the mouth, the slightest drooping of an eyelid at some banality, a suggestive uplift of eyebrow doing service for inquiry, an indescribable accent of glance that conveyed assent.

Helen's quiet enjoyment of the implicit communication was interrupted by her sudden recognition of and astonishment at the fact that Brookfield's facial play was a running commentary upon her own inmost thought, and then, as she felt herself flushing beneath this consciousness, there was just a noticeable compression of Brookfield's lips in the reassuring audacity

of a phantom caress, after which, in more overt communication, he lifted his glass and smilingly, though silently, drank to her.

This last act caught the attention of Ellinger, ever watchful for any legitimate excuse, and he roughly led the chorus which voiced less intimately Brookfield's sentiment:

"To our fair and honored guest."

Shortly afterward, when the party had again scattered its attention, Helen found Jack's eyes saying: "Wouldn't this have been much better, after all—this cosiness, this intimacy, tranquillity, and warmth? Wasn't it all a vanity, a vexation of spirit: the years of strident effort in the aggressive charities, the societies for civic betterment, and all the altruistic, self-appointed turmoil since we parted?" Again Brookfield lifted his glass as Helen's look of wavering indecision seemed to him confession.

There was a second observation by Ellinger and a general laugh following some pleasantry of his at Brookfield's expense.

Jo, the colored hall-boy in Brookfield's establishment, appeared in the doorway leading from the library.

"Yes?" inquired Brookfield.

"Mr. Denning, suh," said Jo.

Brookfield begged the company to excuse him a moment, then rose from the table and followed Jo.

III

"WELL, Jo?" Brookfield looked at the negro boy a bit impatiently. On those rare occasions when the house was dark, Jo was endowed with sufficient vicarious discretion to turn most any applicant away.

"Mr. Denning, suh," Jo repeated, with slightly justifying emphasis.

Brookfield hesitated, and then: "Ask Mr. Denning to come up," he said.

"Yes, suh." The boy left on his errand.

Brookfield moved a few steps after the boy, as if with the intent to revoke his order; and then as a more definite plan occurred to him he called to the group about the supper-table:

"Lew—I say, Lew! Won't you ladies excuse Mr. Ellinger a moment?"

A chorus of assent, not necessarily uncomplimentary, came in reply, and Ellinger joined Brookfield.

"Want to see me?"

Brookfield took Lew by the elbow and led him a few steps from the doorway and beyond the line of vision of his guests.

"Tom Denning's here — he expects a game. My sister and Mrs. Whipple object to the pasteboards, so don't mention it before them."

"Not a word," answered the discreet old sport; "but Tom" — he nodded toward the hall door— "what of him?"

"I'll attend to Tom," said Brookfield; "you rejoin the ladies."

"Good."

As Lew regained the doorway of the dining-room Denning entered from the hallway.

"Hello, Lew!" called the new-comer.

Ellinger paused in helpless embarrassment between his duty and this convivial interruption.

"Go on," said Brookfield, imperatively, and Lew obeyed.

Denning, astonished at the sight of Ellinger in evening attire and by the formal front of the proprietor, said:

"What have you got to-night—young Rockefeller?"

"Some ladies—" Brookfield started to explain, and paused, frowning, interrupted by the leer on Denning's face. And then he added, "My sister—and her daughter—and a lady friend of hers." There was a rebuke in the measured authority of the utterance.

"No game?" Denning asked, disappointedly.

"Not until they go."

The young man, who had changed his position so as to catch a glimpse of the group in the next room, exclaimed with that sudden alteration of mood characteristic of the immature mind in the presence of new toys:

"Oh, chafing-dish!"

"They've been to the opera, and I had Harvey brew them some terrapin."

"My luck," Denning complained.

"No, I think there's some left," Brookfield consoled; and as an expression of relief passed over Denning's countenance, Jack felt a sense of shame that his victims held among their number one so simple as the man before him. Denning was an example of a type numerically increasing—that wasteful intermediate generation between shirt-sleeves and shirt-sleeves; the pampered son of a father apochryphally opulent. The class to which he belonged had not yet arrived at the distinction of imperial denunciation, and Tom was an only child; but had there been a sister the family could have been reconciled to seeing her a foreign princess.

As Brookfield regarded his guest there passed vaguely before his mind a picture of the scheme of things so fashioned that by a law of nature it seemed one species should feed upon and devour another. Then, in quick realization of his own inability to revise that law in the time now at his disposal, he added, in an easy, patronizing protection:

"I'm going to take a long chance, Tom, and introduce you to these ladies, only I want you not to say anything before them about poker or any other game."

Denning protested. "Why, I thought you said your sister—"

"I did," Brookfield replied, his tone slightly hostile.

"Well, she's on, isn't she?"

Brookfield nodded. "But she doesn't like it, and my niece—my niece—doesn't like it."

There was something in Brookfield's repetition of

"my niece" that caused Denning to stand at attention. If his early schooling had been received in a military academy he would have saluted. During the pause that followed old Harvey entered.

"I'se made some coffee, Marse Jack; will you have it in the dining-room or here, suh?"

"I'll ask the ladies."

"How are you, Harvey?" Denning grinned at the old servant.

"Marse Denning."

"You've got some terrapin left for Mr. Denning, Harvey?" Brookfield asked, as he passed from the room.

"Yes, suh," Harvey answered; then again, to Denning, "Yes, suh."

"They left some of the rum, I hope?" said Denning.

The old darky laughed.

"Couldn't empty my ice-box in one evening, Marse Denning." And then, with a sudden change of manner, as he looked toward the dining-room, he added, deferentially, "The ladies gettin' up, suh."

Brookfield returned.

"Harvey."

"Yes, suh."

"The ladies will have their coffee in here."

"Yes, suh."

As the ladies were already following, Brookfield crossed, warningly, to Denning and introduced him.

"Alice, this is my friend Mr. Denning—my sister Mrs. Campbell."

Alice nodded to the young man now awkwardly conscious of his tweeds.

Helen was saying to Viola, about whom she had put her arm, "I never take coffee even after dinner, and at this hour—never."

Jack finished his introduction of Denning, and, resolved that there should be no misleading opportunity for impolitic commonplace, he took the young man by the arm and led him toward the dining-room, saying as they went:

"Mr. Denning's just left the foundry, and he is very hungry."

"And thirsty," Denning added, with prompt seizure of the chance.

"Yes, and thirsty," Jack courageously accepted. "Uncle Harvey is going to save his life." And with dissembling heartiness he pushed Denning from the room.

"The foundry?" Alice inquired, with characteristic naïveté.

"Never did a day's work in his life," Jack smiled. "Why, that's Tom Denning."

"Tom Denning is the name of the big race-horse," Viola volunteered, from one of her fields of special information.

"Yes," answered Jack, "this fellow is named after the race-horse."

"What does he do?" asked Helen.

"His father." Brookfield explained: "Father's in the packing business in Kansas City—this fellow has four men shovelling money away from him so he can breathe."

"Oh, Jack!" Alice exclaimed, in amused protest.

"Yes," insisted Jack, "I'm one of them." Then,

in quick recovery from this inadvertent admission of his trade, he added, as he paused on the threshold, "You'll find cigarettes in that box."

"Jack!" Mrs. Campbell rose from her chair with that extravagance of self-defence sometimes so perilously near confession.

"Not you, Alice dear," said Jack, with apologetic stress almost equally disclosing.

"Well, certainly not for me, Uncle Jack," Viola answered, honestly, as he looked toward her and Helen.

"Of course, not you, dear."

"Thank you, Mr. Brookfield," Helen deduced, in a fraternal pleasantness which Jack remembered so well.

Mrs. Campbell, as usual, one step behind the mental procession whenever it departed from the heaviest marching order, came to the defence of their guest.

"My dear brother, you confuse the Kentucky ladies with some of your Eastern friends."

"Careful, Alice, careful. Helen lived in the East twenty years, remember."

"But even my husband didn't smoke."

"No?"

"Never in his life."

"In—his—life," Jack repeated, with malicious analysis. "Why make such a pessimistic distinction?"

"Jack!" his sister gasped again, in fluttering expostulation; and then, as she came to him, murmured plaintively in an audible undertone, "How can you say a thing like that?"

"She's the man's widow," Brookfield offered, in sympathetic opacity to Alice. "I've got to say it if any one does."

Harvey turned the trend of conversation by his appearance with the tray of coffee.

"Mr. Denning got his tortoise, has he, Uncle Harvey?"

"He's got the same as we all had, Marse Jack; yes, suh." The old darky chuckled.

"I'll take it, Uncle Harvey." Jack referred to the cup that Helen had declined. "I think three or four of them might help this head of mine."

Brookfield had confessed once or twice earlier in the evening to a headache, and his sister now said to him, with an inflection that indicated a repeated offer:

"Why don't you let Viola cure your headache?"

"Yes, Uncle Jack, do." Viola put down her cup as she spoke.

"No, the coffee will fix it, I'm sure."

"Sit here while you drink it." Viola pushed an easy-chair from the end of the table.

"No, no, Viola; it isn't bad enough for that. I'll conserve your mesmeric endowment for a real occasion."

Brookfield took the contents of the demi-tasse at a swallow.

"Just to please me," his niece persisted.

Jack touched her caressingly under the chin, and, shaking his finger in concentrated accusation, lost upon all his hearers excepting Helen, said, "I don't want to spoil your awful stories."

Brookfield rejoined the gentlemen in the dining-room, where Harvey was passing the cigars.

Left to themselves, the ladies began to evince that personal disposition toward ease which marks the absence of self-consciousness, even self-consciousness so slight as that invited by the presence of the most intimate male relative.

Viola curled into one corner of the old colonial sofa that raked diagonally from the fireplace. She had taken from the table an uncut magazine and a huge tusk of ivory, shaped at its broader end into a spatulate paper-cutter. Her mother sought an easy-chair, regretfully expostulating that she had read somewhere that it was wise to stay on one's feet for twenty minutes after each meal. Helen leaned on the back of another chair in restful contemplation of the room which she had seen but hurriedly in her first passage through it before the supper. She was as yet unable to decide which object or group of objects gave it that quality of witchery of which she was becoming conscious. Perhaps it was not the room itself; rather it might be the room in combination with the owner, of whose uncanny power and indefinite quality she was singularly aware. In the moment her mind had moved on its circle about this central idea, and by a double association the question seemed to utter itself:

"Is Viola a magnetic healer, too?"

"Oh no," Viola said, quickly, although the question had been put to her mother.

"Yes—a remarkable one," the mother replied.

"Only headaches, Mrs. Whipple," the girl explained, "and those I crush out of my victims."

"I remember Jack used to have a wonderful

ability in that way as a young man," Helen said.

Viola smiled in pretty insinuation. "Uncle Jack says only with girls."

"We know better, don't we?" Alice remarked, stolidly, to Helen. Their guest nodded, and Viola resumed:

"Well, for myself, I'd rather have Uncle Jack sit by me than any regular physician I ever saw."

"You mean if you were ill?" said Helen.

"Of course."

"You must be very clear with Mrs. Whipple on that point, Viola," said Mrs. Campbell, whose mental baggage-train was beginning to arrive, "because she used to prefer your uncle Jack to sit by her even when she wasn't ill." And the lady smiled, blandly unconscious that Viola had implied as much some minutes earlier.

"But especially when ill, my dear," Helen admitted; and then, inquiringly, to his sister, "Has Jack quit it?"

"Yes; you know Jack went into politics for a while."

"Did he?"

"Yes—local politics—something about the police didn't please him—then he quit all curative work."

"Why?"

"Well, in politics I believe there is something unpleasant about the word 'healer.'" This unpleasant condition had never been quite clear to Mrs. Campbell.

"Entirely different spelling," Viola suggested.

Mrs. Campbell continued: "The papers joked about

his magnetic touch. It seems that the word 'touch' is also used offensively, so Jack dropped the whole business."

"And Viola inherits this magnetic power?" said Helen.

"If one can inherit power from an uncle," Mrs. Campbell answered. On these matters of genealogy she was particularly lucid. Besides, Kentucky had given more than proportionate attention to the intricate questions of breeding.

"Let us say—from a family," enlarged Helen.

"That is even more generous," Mrs. Campbell answered, more wisely than she knew. "But Viola is like her uncle Jack in every way that a girl may resemble a man—horses and boats and every kind of personal risk."

"I'm proud of it," Viola boasted, parenthetically.

"And Jack spoils her."

"Am I spoiled?" Viola appealed to Mrs. Whipple.

Helen's smile was more comforting than the spoken word of most women.

"But I will say he couldn't love her more if he were her own father," Alice added.

Helen found this report of the paternal quality in Jack strangely grateful. She pressed against her cheek the hand that Viola had given her. That Jack loved the girl in such degree doubled the growing affection for her which Clay's interest and the girl's own attractiveness had planted in Helen's heart, so sensitively maternal.

Despite the fact that Viola in every feature was noticeably unlike her uncle, there was, nevertheless,

in the general relation of the features that evanescent something which we call family resemblance. Under the smooth contour of her decidedly classical face there was manifestly the same modelling that underlay Jack's grim mask. That family trick of level glance which was domination in the uncle was simple sincerity in the girl. The vibrant arch of nostril and the fulness of the lip, so dangerously suggestive of the sensual in the man, spelled only poetry and affection in the finer feminine face. Viola was typically and beautifully blond—not of the anæmic and bloodless type, but of that Olympian variety which Oliver Wendell Holmes described as "shot through and through with amber light."

As Helen pressed the girl's hand she noticed in its palm a vital prehension eminently kindred to Jack's touch. Observing persons had frequently remarked this quality in Brookfield's hand. Independent of the grip of muscle, the palm itself seemed to have some moist and individual power of cohesion—a quality of friendliness and health and magnetism. Helen was no student of character, but the feminine sense of intuition was hers in a marked degree, and it did not fail her now. She knew indubitably that the girl beside her was gifted with the rare capacity of abiding loyalty. She apprehended in some inexplicable way that the girl was to be for her an ally in her protective interest in Clay, who, seizing the first chance to quit the men in the other room, had just joined the ladies.

"Isn't this a jolly room, mother?" said the young architect, indicating by a sweep of his hand the hospitable walls of the library.

"Beautiful!"

"Sleeping-apartments are what I take pride in, though," Clay continued, as he nodded upward; "a private bath to every bedroom, reading-lamps just over the pillows, individual telephones to the kitchen."

"Haven't you seen the house, Mrs. Whipple?" Viola interrupted.

"Not above this floor."

"Would it interest you?" Mrs. Campbell asked, mildly, and then recollecting, she added, apologetically, "Why, what a foolish question—as though anything your boy had done could fail to interest you!"

Mrs. Campbell crossed to the dining-room and called her brother. As Jack responded she turned to Helen, and in a manner that implied an opportunity for choice said, "Will I do as your guide?"

"Certainly," said Mrs. Whipple.

"Well?" said Brookfield.

"I want to show Helen over the house," his sister explained.

"Very well, do it."

"The rooms are empty?"

"Empty? Of course," Jack replied, in mock resentment.

"Don't be too indignant, my dear brother; they are not always empty." And then as she turned to Helen she explained, "In Jack's house one is liable to find a belated pilgrim in any room."

Helen, conscious of the playfulness which the sister missed beneath Jack's look, ventured, with contributing banter, "And a lady walking in unannounced would be something of a surprise, wouldn't she?"

"Well," answered Jack, in grave deliberation, "two ladies would certainly, and—"

"Jack!" interrupted Alice.

"My dear sister, they would," Brookfield protested, in injured innocence; and then, appealing to Helen, "Hard lines when the reputation of a man's house isn't respected by his own sister—huh!" He stormed back to the dining-room, leaving his sister in a haze of perturbation.

"The same Jack," said Helen, singularly unhorrified.

"The same," Alice assented, "only sometimes I think confirmed in his peculiarities."

Viola declined her mother's invitation to accompany them over the upper part of the house, and the two older ladies departed, leaving Clay and her together.

IV

MRS. WHIPPLE'S anxiety concerning her boy was not without foundation. There were certain weaknesses in his character that justified her desire for sympathy and assistance in her necessarily waning care of him. She believed that his artistic temperament, and many of the weaknesses supposed to accompany such a temperament, he had inherited from herself. There was a noticeable strain of his father, however, which she detected in the boy's ready and almost fanatical advocacy of any hopeless cause that made its appeal to the humanities. He was emotional; unquestionably much of Clay's decorative talent could be attributed to this fact, but his greatest danger also lay there. All his life he had been subject to a kind of intellectual vertigo, at times approaching perilously to irresponsibility.

As a boy of ten he had leaped into the Schuylkill to save a playmate from drowning. Unable himself to swim a stroke, he had only doubled the task of the competent rescuers. At twelve, when an itinerant exhorter was calling the guilty to repentance, and bemoaning the fact that in all his audience of sinners none had the courage to lead the penitent to the altar, Clay had unhesitatingly accepted the call and been the first to the bench. At sixteen, after a baf-

fling absence of four days, he was discovered in Tampa, whither he had fled with a regiment of Pennsylvania volunteers in an almost inflexible resolution to avenge the destruction of the *Maine*.

He was peculiarly amenable to suggestion, to approval, to rebuke. These qualities, while they caused the boy uncountable suffering, also won for him many friends. The firm of distinguished architects with which Brookfield's invited influence had been able to place him was already finding his temperament a considerable asset in its professional relations with women clients. Clay had an almost feminine interest in the detail of decoration—he had an eye for form and color. That he should fall in love with the beautiful niece of Brookfield was an inevitable consequence of his association with her.

Left alone with Viola, Clay turned to her with characteristic impulsiveness and said:

"What was Frank Hardmuth saying to you?"

"When?" asked the girl, with that Fabian evasion which is the heritage of the sex.

"At supper and in the box at the theatre, too."

"Oh, Frank Hardmuth," she pouted, playfully; "nobody pays any attention to him."

"I thought you paid a good deal of attention to what he was saying."

"In the same theatre-party a girl's got to listen or leave the box."

"Some persons listen to the opera."

"I told him that was what I wanted to do."

"Was he making love to you, Viola?"

"I shouldn't call it that."

"Would anybody else have called it that if they had overheard it?" Clay persisted.

"I don't think so."

"Won't you tell me what it was about?"

Viola waited. There is something so personal in every declaration of love, implied or direct, complimentary or questionable, that a woman instinctively guards it, not necessarily as sacred, but with an inherent sentimental economy.

Viola was unpractised but not unequipped.

"I don't see why you ask?" she ventured, diplomatically, beginning to feel the strain of Clay's silence.

"I ask," the boy said, promptly, "because he seemed so much in earnest, and because you seemed so much in earnest."

"Well?" questioned Viola, still non-committal.

"Frank Hardmuth's a fellow that will stand watching." Clay glared into the dining-room where the object of his jealousy was seated.

"He stood a good deal to-night," Viola laughed, with a wish to introduce a playfulness into the colloquy.

"I mean," Clay continued, still serious, "that he is a clever lawyer, and would succeed in making a girl commit herself in some way to him before she knew it."

"I think that depends more on the way the girl feels." Viola rose and crossed the room with an instinct of drawing the boy's attention from Hardmuth. There was an implied assurance in the speech as Clay interpreted it, and, somewhat mollified, he followed her.

"Well, I don't want you to listen to Frank Hardmuth under the impression that he's the only chance in Kentucky."

"Why, Clay Whipple!" Viola's severity was a resentment of the implication that she had regarded Hardmuth as a chance at all, and was not an attempted discouragement of the impending declaration.

"You know very well I've been courting you myself, Viola, don't you?"

"You haven't," the girl replied, smiling in frank admiration of his directness; "you've just been coming around like a big boy."

"Have I gone with any other girl anywhere?"

"I don't know."

"And I've spoken to your uncle Jack about it," Clay continued.

"To Uncle Jack?"

"Yes."

"Nobody told you to speak to Uncle Jack."

"Mother did."

"Your mother?" Viola asked. The increasing number of Clay's advisers gave the question a disturbing importance.

"Yes," answered the young suitor; "mother's got regular old-fashioned ideas about boys and young ladies, and she says, 'If you think Viola likes you, the honorable thing is to speak to her guardian.'"

"Oh, you thought that, did you?" Viola was as piqued by the secure assumption as she was complimented by its persistency. But her tone only gave determination to the boy.

"I certainly did," he answered.

"I can't imagine why."

"I thought that because you're Jack Brookfield's niece, and nobody of his blood would play a game that isn't fair."

No phrase could have been more unfortunately chosen. Clay had meant to apply only the college boy's standard of fair play in athletics, a department in which Viola was not uninformed. But Brookfield's profession had made the family hectic upon all allusions to it. The blood tingled in Viola's cheek.

"I wish you wouldn't always throw that up to me; it isn't our fault that Uncle Jack's a sporting man."

"Why, Viola—I was praising him," Clay said, impulsively, sighting the forbidden ground on which he had inadvertently trod; and with that sure fatality that makes blunder multiply, he added, "I think your uncle Jack's the gamest man in Kentucky."

"Nor that, either," Viola said, forbiddingly; and then, with a surge of loyalty to the uncle whom she could see from where she stood, "I don't criticise my uncle Jack, but he's a lot better man than just a fighter or a card-player—I love him for his big heart."

"So do I. If I'd 'a' thought you cared, I'd have said you were too much like him at heart to let a fellow come a-courting you if you meant to refuse him—I'd have said that—and that was all that was in my mind when I asked about Frank Hardmuth." In consoling abandonment of the issue, he continued, "I don't care what Frank Hardmuth said, either, if it wasn't personal that way."

"Frank Hardmuth's nothing to me." The girl's annoyance was reassuring.

"And he won't be, will he?" Clay pleaded, boyishly, seating himself beside her on the sofa and peering into her half-averted face. "Say that, because I'm awfully in love with you."

"Are you?" she asked, in evident hospitality for the subject.

"You bet I am," the boy responded, vibrantly—"just tomfool heels over head in love with you."

"You never said so."

"I never said so because mother told me that a boy in an architect's office had better wait until he was a partner. But I can't wait, Viola, if other fellows are pushing me too hard."

Viola apparently approved of the boy's initiative, for she answered:

"Uncle Jack says you're a regular architect, if there ever was one."

"It's what *you* think that makes a difference to me."

"Well, I think Uncle Jack certainly knows."

"And an architect's just as good as a lawyer," Clay urged, with his rival still in mind.

"Every bit," his sweetheart acquiesced.

It is possible that if either or both of the parties had been represented by attorney their understanding might have been regarded as falling somewhat short of a betrothal. In the absence of competent advisers, however, and perhaps of sufficiently guiding experience or research, the young people by an unspoken assent, none the less satisfactory because it was tacit, met in an embrace.

"Viola!" the boy said, in trembling undertone, as her head rested on his shoulder.

There are other ways of becoming engaged. The process is one so volatile that almost every ingredient or contribution, whether of time or place or circumstance, alters its chemistry. In fact, much of the charm that hallows that entire period known as "the engagement" is due to the same unfailing answer to all the experimental tests that may be made by the manifold reagents in love's laboratory.

In promising exploration of at least one other route, Viola began:

"I don't mind telling you now he was speaking for himself—Frank Hardmuth."

"By Jove!" Clay exclaimed, mistaking consequence for coincidence. "On this very night?"

"Yes."

"It seems like the hand of Providence that I was here."

One sure indication of true love is that the element of fate is so plainly, so early, discernible.

"Let's sit down."

Holding both her hands, Clay led the girl to the sofa.

"You've got confidence in me, haven't you?"

"Yes; I've always said to mother, 'Clay Whipple will make his mark some day.' I should say I have confidence in you."

The boy laughed joyously. There was a framed sheepskin from the University of Pennsylvania hanging in his mother's bedroom, and several letters of approval from the firm of architects with which he

"I'M AWFULLY IN LOVE WITH YOU"

THE NEW YORK
PUBLIC LIBRARY

ASTOR, LEN
TILD

was associated, but Viola's last remark was his real diploma. He went on in rapid explanation, taking her into almost conjugal confidence as to his prospects.

"Of course, the big jobs pay—things like insurance buildings; but my heart's in domestic architecture, and if you don't laugh at me I'll tell you something."

"Laugh at you about your work and your ambitions! Why, Clay!"

"I do some work on most of the domestic interiors for the firm already, and whenever I plan a second floor or staircase I can see you plain as day walking through the rooms or saying good-night over the balusters."

"Really? You mean in your mind."

"No, with my eyes. Domestic architecture is the most poetic work a man can get into outside of downright poetry itself."

"It must be if you can see it all that way," Viola assented, not without some bewilderment.

"Every room," Clay continued to explain. "I can see your short sleeves as you put your hands over the balusters—and sometimes you push up your front hair with the back of your hand—so."

"Oh, this?" The girl laughed, dramatizing his suggestion, and smoothing her pompadour into obedience. "All girls do that."

"But not just the same as you do it," Clay protested, tenderly. "Yes, I can see every little motion you make."

"Whenever you care to think about me?"

"Bless you, no—that's the trouble." There was a haunted flutter in his expression.

"What trouble?"

"The pictures of you don't come just when I want them to come, especially in the dark."

"Why, how funny!"

"In the dark sometimes they form like the views from a magic lantern. They glow strong and vivid, and then fade into the black, and then when I lie down at night that effect sometimes repeats and repeats until I've had to light the gas in order to go to sleep."

"Pictures of me?"

"Pictures of my work or anything that's been in my mind a good deal during the day, and sometimes pictures of things that I can't remember having seen before."

"Why, I never heard of anything like that."

"Well, it happens to me often." The boy was silent for a moment, as though searching his memory for an example; and then, as his eye caught the draped hangings of the room, he said, "Now, I designed this room for your uncle Jack, but before I'd put a brush in my color-box I saw this very Genoese velvet." He waved his hand, indicating the walls. "And I saw the picture-frames in their places—that Corot right there. I've got kind of a superstition about that picture." Again there crept into his eyes that almost haunted look that had arrested Viola's attention earlier in their talk.

"A superstition!" exclaimed the girl, looking from his face to the picture indicated.

"Yes. I said to Jack, 'Have anything else you want on the other walls, but right there I wish you'd put a Corot that I've seen at a dealer's in New York' —and he did it."

"Uncle Jack generally has his own way about pictures."

"I only mean," said Clay, hastily disclaiming any pretence of mastery—"I only mean that your uncle Jack approved of my taste in the matter. But my idea of this house really started with and grew around that canvas of Corot's."

"Then it isn't always me that you see?"

"Always you when I think about a real house, you bet — a house for me. And you'll be there, won't you?"

"Will I?" Viola tempted him with the feminine instinct which—however frequently its possessor may be half wooer—always is on guard against the recorded fact.

"Yes," Clay pleaded, "say 'I will.'"

"I will." And once more the happy suitor folded her in his arms.

Perhaps for the progress of their understanding it was as well that both the mothers, having finished their examination of the dwelling, should have reentered the room at that moment.

Helen regarded the young couple with scarcely a flutter of astonishment; but Mrs. Campbell, doubly on the defensive both as the mother of the weaker vessel and as the quasi-hostess, exclaimed, in commingling astonishment, warning, and rebuke:

"Why, Viola!"

"I've asked her," Clay said, addressing his mother and still retaining hold of Viola's hand.

Mrs. Campbell turned accusingly to her guest. "Helen, you knew?"

"Yes."

Mrs. Campbell looked back to the young couple for further explanation, and in response to her gaze Clay said:

"And I've asked Jack, too."

"What—?"

"We're engaged if you say it's all right."

"And you, Viola?"

"Yes," the girl nodded.

"Well, if Jack's been consulted, and you all know of it," said Alice, making a blanket distribution of the blame, "I should be a very hopeless minority."

"Why any minority?" Clay asked.

"Only the necessary considerations"—then turning to the boy's mother—"Clay's prospects, his youth."

"Why, he designs most of the work for his firm now," Viola urged, in a wish to eliminate what she apprehended as the principal objection attaching to his youth.

"That is, dwellings," Clay modestly amended.

"I should advise waiting myself until Clay is in the firm," Helen said, consolingly addressing her speech more to the boy than to the others; "and I did advise delay in speaking to Viola."

"I'd 'a' waited, mother, only Frank Hardmuth proposed to Viola to-night."

"To-night!" exclaimed Mrs. Campbell, for whom surprises were coming rapidly.

"At the opera," Viola answered.

"At the opera?" her mother repeated, and then in panic helplessness to Helen she complained, "One isn't safe anywhere."

Clay, pursuing this seeming advantage, asked:

"And you wouldn't want him. So you do consent, don't you?"

"I think your mother and I should talk it over."

"Well, it's a thing a fellow doesn't usually ask his mother to arrange, but—"

"You mean privately?" Viola asked.

"Yes," said her mother.

The young couple hesitated, doubting the policy of being unrepresented in the conference; but as the mothers seemed agreed upon this condition, and as the habit of filial obedience was still strong, Clay said to his sweetheart:

"We can go to the billiard-room, I suppose?"

"Come on," Viola assented, moving to the door.

"You know, mother, how I feel about it," Clay said.

Helen nodded in reassuring sympathy. The boy and girl left their mothers together.

"I supposed you had guessed it," Helen said to Alice, who was still maintaining her injured pose. The latter made one or two ineffectual gasps at response, and, finding that her delay was adding to the uncertainty of the things she had in mind to say, she made a virtue of surrender to complete frankness.

"I had, but when the moment arrives, after all, it's such a surprise that a mother can't act naturally."

"Clay is really very trustworthy for his age," said Helen.

"There's only one thing to discuss. I haven't mentioned it because—well, because I've seen so little of you since it began, my dear Helen, and because the fault is in my own family."

"Fault?"

"Yes, Jack's fault." Mrs. Campbell debated a moment the propriety of proceeding, and then, with an influx of resolution, she looked straight at Helen and announced, "Clay is playing."

"Clay?"

"Here—with Jack's friends."

"Clay," Helen repeated, unwilling to realize that the blight which had fallen upon her own romance was possibly settling upon the life of her boy, "gambling?"

"I don't quite get used to the word"—Mrs. Campbell winced—"though we've had a lifetime of it—gambling."

"I shouldn't have thought Jack would do that with *my* boy."

"Jack hasn't our feminine point of view—and besides, Jack is calloused to it."

"You should have talked to Jack yourself."

"Talked to him? I did much more—that is, as much more as a sister depending on a brother for support could do." Mrs. Campbell paused as she passed in reminiscence various interviews with her brother; then resolutely going back to the beginning of the trouble, she continued, "You know, Jack really built this place for me and Viola."

"I'd thought so—yes."

"Viola is the very core of Jack's heart. Well, we both left the house and went into our little apartment, and are there now. A woman can't do much more than that and still take her living from a man, can she?"

"No."

"And it hurt him—hurt him past any idea."

"You did that because my Clay was—playing here?"

"Not entirely Clay—everybody." And then in justification of her treatment of the brother, between whom and herself there was genuine affection, Mrs. Campbell explained:

"There isn't a better-hearted man nor an abler one in the State than Jack Brookfield, but I had my daughter to consider. There were two nights under our last city government when nothing but the influence of this Frank Hardmuth"—at the mention of the name she dropped her voice and glanced cautiously toward the dining-room, whence Hardmuth's harsh laughter could be heard issuing—"nothing but his influence kept the police from coming into this house and arresting everybody—think of it!"

"Dreadful!"

"Now, that's something, Helen, that I wouldn't tell a soul but you—Viola doesn't know it; but Jack's card-playing came between you and him years ago, and so you may know it—you may even have some influence with Jack."

"I?" Helen sighed and smiled pathetically. "Oh no."

"Yes," Alice answered, firmly, "this supper to-night

was Jack's idea for you — the box at the opera for you."

"Why, he didn't even sit with us."

"Also for you. Jack Brookfield is a more notable character in Louisville to-day than he was twenty-two years ago. His company would have made you the subject of unpleasant comment. That's why he left us alone in the box."

"Isn't it a pity—a terrible pity," Helen mused, slowly.

"A terrible pity," Mrs. Campbell echoed.

Further confidences between them were prevented by the entrance of the men from the dining-room.

"I tell the gentlemen we've left the ladies to themselves long enough, Mrs. Campbell," Hardmuth said, in a prosecutor's rasping voice slightly stimulated.

"Quite long enough, Mr. Hardmuth."

"Where's the young lady—Jack's niece?" inquired Denning, frankly, looking about for the more attractive metal.

"In the billiard-room I believe," Helen answered.

"Oh," said Denning, in undisguised disappointment, "Jack's been telling us what a great girl she is."

"Some of us knew that without being told," Hardmuth boasted, from a group near the fireplace.

"And she's wonderfully like you," Denning continued, laboriously, resolved to bring up his average by a compliment well turned—"wonderfully like you."

"You compliment me," Helen said, smiling.

"Are you under the impression you're speaking to Viola's mother?" said Jack, taking Denning by the arm.

"Ain't I?"

"This lady is Mrs. Whipple." And Jack, leaving the young millionaire in his embarrassment, turned to Hardmuth and Ellinger.

"Oh, Clay's mother?" Denning inquired, cautiously. Helen nodded. "Well, your boy," he persisted, determined upon some appropriate recognition of the relationship—"your boy, Mrs. Whipple, plays in the hardest luck of all the people I ever sat next to."

Jack checked any further disclosure by quickly returning to Denning.

"You depreciate yourself, Tom; there's no hard luck in merely sitting next to you."

Helen heard Jack growling in an undertone of rebuke to Denning.

"I meant unlucky at billiards," Denning defended himself, in hopeless audibility. "They're all right, ain't they?"

As he left Jack and moved toward the ladies in exonerated self-satisfaction, he said to Mrs. Campbell:

"I can see now that your daughter resembles you."

"I think Clay and I should be going," Helen suggested to Mrs. Campbell.

The surroundings, so agreeable a few moments before, had grown suddenly distasteful. Denning's dulness and Hardmuth's aggressive coarseness were doubly offensive when she regarded them as associate factors in her boy's degradation. She caught a reflection of her own thought in Mrs. Campbell's troubled countenance, and a quick pity for the woman

so unfortunately situated tempered the severity of her tone and attitude.

Jack had drawn his watch and was expostulating: "It's only a little after twelve, and no one ever goes to sleep in this house before two."

Helen caught his glance, and again in its telegraphy she read his understanding of the *contretemps* and his assurance that the real Brookfield was far above the mental squalor of the association. Mrs. Campbell took Helen's hand in silent furtherance of Jack's invitation.

"Shall we join them?" Jack said to Helen, referring to the couple in the billiard-room.

"I'd like it."

The party moved to the door with the exception of Hardmuth, who bit the end of a fresh cigar and said:

"Jack!—just a minute."

Brookfield excused himself; Ellinger took his place at Helen's side, and the party passed into the hallway, from which Denning's voice drawled in diminuendo:

"No, Kansas City is my home, but I don't live there."

V

BROOKFIELD was not altogether unprepared for the interview Hardmuth demanded of him, though uncertain as to the extent of its disclosure. Hardmuth's attentions to Viola, both in the box at the theatre when Jack had watched them through the opera-glasses, and again at the supper-table, had forewarned Viola's uncle. Hardmuth flattered himself that he too had a fair understanding of Brookfield's attitude; this he attributed to what he was pleased to call his knowledge of human nature. Hardmuth's profession, aside from a natural shrewdness, had made him quick to measure any degree of friendliness or hostility on the part of another man. In addition to this there was between himself and Brookfield an intimacy of many years. To go no deeper into the intuitive sense of either man, the long study each had made of the other across the card-table had equipped them individually with a special prevision.

Left together, Hardmuth began what promised to be a serious colloquy by the nonchalant confession:

"Took advantage of your hospitality, old man, tonight."

"Advantage?" queried Brookfield.

"Yes; I've been talking to your niece."

"Oh!"

"Proposed to her."

"Yes?"

"Yes," repeated Hardmuth.

Brookfield's face took on that inscrutable look with which he was accustomed to regard his hand just after the deal or draw. The slight pause was broken by the entrance of the young darky.

"A gentleman called you on the telephone, suh."

"Who?" Brookfield consulted his watch.

"Judge De Brennus—name sounds like," Jo answered; "holdin' the wire, suh."

"I don't know any Judge De Brennus."

"Says you don't know him, suh; but he's got to leave town in the mornin', and he'd be very much obliged if you'd see him to-night."

"Did you tell him we were dark to-night?"

"He don't want no game. It's about a picture—a picture you've got."

"A picture?"

"He wants to look at it."

Brookfield turned interrogatively to Hardmuth, and that gentleman, anxious to defer any interruption of the business in hand, said:

"It's a blind."

By this phrase from the criminal vocabulary Hardmuth conveyed that the caller, under the pretence of examining a picture, was really seeking incriminating evidence against the proprietor of the establishment. Brookfield smiled as he thought of the character of the party at present within his walls and the consequent disappointment of any investigator.

"Well, this is a good night to work a blind

on me; tell the gentleman I'll be up for half an hour."

Jo disappeared.

"So you proposed to Viola?" said Brookfield, taking up the conference at the point of interruption.

"Yes; how do you feel about that?"

Brookfield hesitated. To have answered truthfully would have introduced an uncalled-for bitterness.

"Well, you know the story of the barkeeper asking the owner, 'Is Grady good for a drink?' 'Has he had it?' 'He has.' 'He is.'"

"Just that way, eh?" Hardmuth plainly was not complimented.

Jack smiled and nodded.

"Well," said Hardmuth, applying the illustration, "she hasn't answered me."

Brookfield grunted tentatively. Hardmuth continued:

"And under those conditions, how's Grady's credit with you?"

"Well, Frank, on any ordinary proposition you're aces with me—you know that."

"But for the girl?"

"It's different."

"Why?"

"She's only nineteen, you know."

"My sister married at eighteen."

"I mean you're thirty-five." Brookfield made a show of deliberation.

"That's not an unusual difference."

"Not an impossible difference, but I think unusual —and rather unadvisable."

"That's what you think?" The resistance in Hardmuth's tone was provokingly near aggression.

"Yes—that's what I think," Brookfield said, with equal positiveness.

"But suppose the lady is willing to give that handicap—what then?"

Brookfield shrugged his shoulders. "Let's cross that bridge when we come to it."

"You mean you'd still drag a little?"

"Do you think Viola likes you well enough to say yes?" Jack asked, still unwilling to speak finally.

"Let's cross *that* bridge when we come to it."

"We have come to that one, Frank; there's another man in the running, and I think she likes him."

"You mean young Whipple? Well, he took second money in the box-party to-night, and at the supper-table, too. I'll agree to take care of him if you're with me."

"I think he's your biggest opposition," Brookfield answered, divertingly.

"But you," persisted Hardmuth—"can I count on you in the show-down?"

Brookfield paused, searching his mind for some phrase that would still evade the issue.

"If Viola doesn't care enough for you, Frank, to accept you in spite of anything or everything, I shouldn't try to influence her in your favor."

Hardmuth's brow knitted, intent upon his purpose. His question, however, was interrupted by the return of Ellinger, who sauntered in with an exaggerated expression of weariness, complaining:

"I think a bum game of billiards is about as thin

an entertainment for the outsiders as 'Who's got the button?'"

Brookfield smiled in welcome. He hoped that the interview with Hardmuth might be checked and further conference postponed until he had an opportunity of talking the matter over with his niece. But Hardmuth's mood was not so complacent. He took the old sport by the elbow with an air of authority and led him toward the dining-room.

"I've got a little business, Lew, with Jack for a minute."

The direction in which the exile was propelled had as much to do with Ellinger's tractability as had its declared purpose or authority. He answered, amiably:

"Well, I can sit in by the bottle, can't I?"

Assuming Brookfield's consent to that agreeable pastime, Lew left them, still railing at the mild form of the entertainment he had just abandoned.

"Such awful stage waits while they chalk their cues!"

Hardmuth turned to Brookfield, persisting: "But you wouldn't try to influence her against me?"

Once more Jack spoke slowly, looking for the easiest way to say a disagreeable thing if it might not be completely avoided.

"She's about the closest thing to me there is—that niece of mine."

"Well?"

"I'd protect her happiness to the limit of my ability."

"But if she likes me, or should come to like me enough, her happiness would be with me, wouldn't it?"

"She might think so."

"Well?"

"But she'd be mistaken; it would be a mistake, old chap."

"I know twenty men twelve to fifteen years older than their wives all happy—wives happy, too."

"It isn't just that."

"What is it?"

"She's a fine girl—that niece of mine—not a blemish. I want to see her get the best—the very best—in family, position, character."

"Anything against the Hardmuths?" the attorney demanded, taking the first feature in Brookfield's enumeration. Brookfield shook his head.

"I'm assistant district attorney here," Hardmuth continued, addressing his mind to the question of position, "and next trip I'll be *the* district attorney."

"I said character."

"Character?" echoed Hardmuth, not quite so stoutly as he had made his other assertions.

"Yes," Jack answered.

"You mean there's anything against my reputation?"

"No; I mean character pure and simple—I mean the moral side of you."

"Well, by God!" exclaimed Hardmuth, in a whisper of feigned astonishment.

"You see, I'm keeping the girl in mind all the time."

"My morals!"

"Let's say your moral fibre."

"Well, for richness this beats anything I've struck. Jack Brookfield talking to me about my moral fibre!"

This was the method of the attorney who endeavors to weaken testimony by attack. A shrewder man might have seen the menace in the eye of Brookfield despite the quiet tone with which he responded:

"You asked for it."

"Yes I did, and now I'm going to ask for the show-down. What do you mean by it?"

The desire as well as the latitude for finesse had passed for Brookfield.

"I mean, as long as you've called attention to the richness of Jack Brookfield talking to you on the subject, that Jack Brookfield is a professional gambler—people get from Jack Brookfield just what he promises—a square deal. Do you admit that?"

"I admit that. Go on."

"You're the assistant prosecuting attorney of the city of Louisville. The people don't get from you just what you promised, not by a jugful."

"I'm the *assistant* prosecuting attorney, remember —I promised to assist in prosecution, not to institute it."

"I expect technical defence, old man, but this was to be a show-down."

"Let's have it; I ask for particulars."

"Here's one. You play here in my house, and you know it's against the law that you've sworn to support."

"I'll support the law whenever it's invoked. Indict me and I'll plead guilty."

"This evasion is what I mean by lack of moral fibre."

Hardmuth was a sufficiently keen observer to see

the justice of Brookfield's remark. That it was merited only made it rankle the more. He was vain enough also to imagine himself Brookfield's superior in intellect, and he found it impossible to refrain from allusion to that belief.

"Perhaps we're a little shy somewhere on mental fibre," he insinuated.

"You make me say it, do you, Frank? Your duty is at least to keep secret the information of your office; contrary to that duty, you've betrayed the secrets of your office to warn me and other men of this city when their game was in danger from the police."

"You throw that up to me?"

"Throw nothing—you asked for it."

"I stand by my friends."

There was criticism as well as defiance in Hardmuth's answer.

"Exactly," Brookfield responded, "and you've taken an oath to stand by the people."

"Do you know any sure politician that doesn't stand by his friends?"

"Not one."

"Well, there." And again Hardmuth felt himself vindicated.

"But I don't know any sure politician that I'd tell my niece to marry."

"That's a little too fine-haired for me," the attorney sneered.

"I think it is."

Brookfield's expression of his opinion had given it value to his own ear, and he felt a composure in it that completely relieved him of his anger of the mo-

ment before. This repose was, if possible, more galling to Hardmuth than the criticism had been. Argument exhausted, he resorted to the final test according to his experience.

"I'll bet you a thousand dollars I'm the next prosecuting attorney for this city."

"I'll take half of that if you can place it," Brookfield answered, readily adopting Hardmuth's point of view. "I'll bet even money you're anything in politics that you go after for the next ten years; but I'll give odds that the time will come—when you're 'way up there, full of honor and reputation and pride, and—somebody will drop to you, Frank; then —flosh!"—Brookfield turned his hand, graphically dramatizing the flop of a landed fish on a dock—"you for the down-and-outs."

"Rot!"

"It's the same in every game in the world—the crook either gets too gay or gets too slow, or both, and the 'come on' sees him make the pass. I've been pall-bearer for three of the slickest men that ever shuffled a deck in Kentucky—just a little too slick, that's all—and they've always got it when it was hardest for the family."

"So that will be my finish, will it?"

"Sure!"

Hardmuth puffed his cigar a moment, mentally contemplating the prospect, and then as his mind came back to the proposition in hand, and to the considerations against him, he asked, angrily:

"You like the moral fibre of this young Whipple kid?"

"I don't know."

"Weak as dish-water."

"I don't think so."

"I'll do him at any game you name."

"He's only a boy—you should."

"I'll do him at this game," Hardmuth persisted.

"What game?"

"The girl. I thought I could count on you because —well, for the very tips that you hold against me; but you're only her uncle, old man, after all."

"That's all," Brookfield said, smiling; but there was more threat than admission in tone and eye.

"And if she says yes—"

"Frank!" Jack's temper was plainly rising; he paused in an evident effort to control it. When he spoke again Hardmuth noticed that there was more menace in his manner. "Some day the truth will come out as to who murdered a governor-elect of this State."

"Is there any doubt about that?" Hardmuth nonchalantly shook the ashes from his cigar.

"Isn't there?" came in that deadly monotone of Brookfield's.

"The man that fired the shot is in jail." Hardmuth's tone carried more fervor than a simple reply would seem to have demanded.

Brookfield's voice kept on its even, threatening level, as though the pause had been for effect rather than for Hardmuth's answer.

"I don't want my niece mixed up in it."

"What do you mean by that?"

Hardmuth was now facing the gambler, livid and

trembling, his eyes narrowed to little gleaming slits. There was no weakness or wavering in the man who faced him. Brookfield had said the thing that he had promised himself a hundred times he would never say, the thing that, even now reluctantly said to protect his niece, it would never, he felt, be necessary to repeat. The situation was—in Hardmuth's parlance—a veritable show-down. One question more, one more answer, and there would be blows or a cringing criminal and his master.

Helen entered the room. The visual duel between the men was broken. Hardmuth turned to Helen with an inquiry concerning the young people, and when informed that they were still at the billiard-table, mumbled something about "looking them over," and left the room.

"Won't you come, too?" Helen asked Jack, with a seriousness that showed her coming into the room had not been casual.

"I'd rather stay here with you."

"That gentleman that called after supper—"

"Mr. Denning?" Jack prompted.

"Yes. He seems to take pleasure in annoying Clay."

"Yes; I know that side of Denning."

Brookfield turned toward the dining-room and called Ellinger. When he entered, Jack asked him to go into the billiard-room and look after Denning.

"What's he doing?" Lew inquired of Helen.

"Commenting humorously, and hiding the chalk, and so on," she replied.

"Lit up a little, I suppose," Lew suggested to Jack.

Jack nodded, and, motioning Ellinger on his way, said, "Just ride herd on him."

Helen wavered in her impulse to follow Ellinger to the billiard-room, and finally yielded to Jack as he indicated a chair.

"He doesn't seem much of a gentleman—this Mr. Denning," she said.

"He wasn't expected to-night."

"Is he one of your—clients?" There was more sarcasm than consideration in Helen's choice of the word. Jack acknowledged it with a smile.

"One of my clients."

"Clay meets him here?"

"Yes—has met him here."

"I didn't think you'd do that, Jack, with my boy."

"Do what?"

"Gamble."

"It's no gamble with your boy, Helen," Jack said, lightly, "it's a sure thing; he hasn't won a dollar."

"I'm glad you're able to smile over it."

"Perhaps it would seem more humorous to you if he'd won?"

"If he plays I'd rather see him win, of course."

"That put me in the business — winning," Jack said, seriously. "The thing that makes every gambler stick to it is winning occasionally. I've never let your boy get up from the table a dollar to the good, and because he was your boy."

"Why let him play at all?"

"He'll play somewhere until he gets sick of it—or marries," Jack answered, wearily.

"Will marriage cure it?"

"It would have cured me, but you didn't see it that way."

"You made your choice."

"I asked you to trust me; you wanted some iron-clad pledge—well, my dear Helen, that wasn't the best way to handle a fellow of spirit."

"So you chose the better way?"

"No choice—I stood pat, that's all."

"And wasted your life."

"That depends on how you look at it. You married a doctor who wore himself out in the Philadelphia hospitals. I've had three meals a day, and this place and a pretty fat farm and a stable with some good blood in it."

"And every one of them, Jack, is a monument to the worst side of you," Helen interrupted. The criticism was robbed of its implied severity by her manner, as she walked toward him more in pity than in rebuke. Jack took both her hands in his as he answered:

"Prejudice, my dear Helen, prejudice. You might say that if I'd earned these things in some respectable combination that starved out all its little competitors." Brookfield held the prevalent political disapproval of monopolies. "But I've simply furnished a fairly expensive entertainment to eminent citizens looking for rest."

Helen shook her head at Jack's indulgent description of his business.

"I know all the arguments of your—profession—Jack, and I don't pretend to answer them any more than I answer the arguments of reckless women, who

claim that they are more commendable than their sisters who make loveless marriages."

"I'm not flattered by the implied comparison—still—"

"I only feel sure," Helen went on, "that anything which the majority of good people condemn is wrong." She turned from him with an air of finality.

"I'm sorry," Jack said.

"I'd be glad if you meant that—but you're not sorry."

"I am sorry—I'm sorry not to have public respect, as long as you think it's valuable."

"I amuse you, don't I?"

Jack followed her across the room and took the chair at the end of the table opposite to that upon which she seated herself. He passed his hand wearily over his eyes.

"Not a little bit," he said; "but you make me as blue as the devil, if that's any satisfaction."

"I'd be glad to make you as blue as the devil, Jack," Helen said, resolutely, "if it meant discontent with what you are doing—if it could make you do better."

"I'm a pretty old leopard to get nervous about my spots."

"Why are you blue?"

"You."

"In what way?"

"I had hoped that twenty years of charitable deeds had made you also charitable in your judgment."

"I hope they have."

"Don't seem to ease up on my specialty."

"You called your conduct wild oats twenty years ago."

"It was; but I found such an excellent market for my wild oats that I had to stay in that branch of the grain business. Besides, it has been partly your fault, you know."

"Mine?"

Jack nodded. "Your throwing me over for my wild oats put it up to me to prove that they were a better thing than you thought."

"Well, having demonstrated that—?" Helen waited.

Jack, feeling that his financial prosperity and the evidences of physical comfort surrounding them was a sufficient answer, extended his hands complacently, and with a self-satisfied air added, lazily:

"Here we are."

"Yes," assented Helen, her tone showing that she had more regard for the sentimental aspect of the case, "here we are."

"Back in the old town," Jack added, bringing the consideration to a neutral ground. Then, as he leaned forward on the table in the playful manner of the old Jack, the manner that had been so irresistibly potent in their younger days: "Don't you think it would be a rather pretty finish, Helen, if, despite all my leopard's spots, and despite that—that Philadelphia episode of yours—"

"You call twenty years of marriage episodic?" Helen broke in, half playfully.

"I call any departure from the main story episodic."

There was a quiet authority in Jack's tone that compelled Helen to put the leading question;

"And the main story is—?"

"You and I."

"Oh—" Helen had been balancing the heavy paper-cutter in seesaw fashion on the edge of the table. The positiveness of Jack's answer had occupied her sole attention for the moment, and the paper-cutter fell to the floor with a noticeable thud. Jack picked it up. On one side, near the handle, the cutter was faintly engraved, "Jack, from Helen." It was one of the few gifts she had made him in her girlhood days. Jack recalled the afternoon that they had leaned above the stationer's showcase in which it had been displayed; his admiration for the implement; Helen's amusement at some playful remark of his about the owner of such a paper-cutter being able not only to gain with it, but also to enforce a literary opinion; he remembered the somewhat astonishing price the dealer had put upon it—a price geometric in its relation to the cost of smaller paper-cutters—and his delight in its possession on the anniversary Helen had chosen to send it to him. Of all the articles in this curiously fitted library of his, this was his favorite. There was a natural streak of superstition in Brookfield, a superstition which his business had considerably cultivated; he attributed but few of the things that happened in his day to accident. That Helen should drop this piece of ivory which for so many years had been a memento of her, and in consequence should bring him to her side, Brookfield regarded as significant. Lifting the ivory knife from the floor, he covered both her hands, still resting on the edge of the table, with his disengaged hand, and

holding the paper-cutter as he would have held a sword, he said, in a tone of dreamy persuasion and of unmistakable resolution:

"Wouldn't it be a pretty finish, Helen, if you took my hand and I could walk right up to the camera and say, 'I told you so.'"

Helen made no answer during the pause that followed, and with an air of possession Jack added:

"You know I always felt that you were coming back."

"Oh, did you?"

"Had a candle burning in that window every night."

"You're sure it wasn't a red light?"

"Dear Helen, have some poetry in your composition. Literally a red light, of course." Jack accepted the allusion to his business. "But the real flame was here"—he put his hand on his breast—"a flickering hope that somewhere—somehow—somewhen I should be at rest with the proud Helen that loved and rode away."

Jack's assumption of playfulness could not disguise his sincerity of feeling. He had moved behind the table, and was smiling down upon the beautiful woman who sat at the other end of it.

Helen was not smiling. There was something in the steadiness of her glance that Jack felt was meant for accusation. She answered with conviction in her even voice:

"I—believe—you."

"Of course you believe me." Brookfield attempted a counterpointing lightness.

"You had a way, Jack," Helen continued, reminiscently — "a way when you were a boy at college of making me write to you."

"Had I?"

"You know you had. At night—about this hour —I'd find it impossible to sleep until I'd got up and written to you—and two days later I'd get from you a letter that had crossed mine on the road. I don't believe the word 'telepathy' had been coined then, but I guessed something of the force, and all these years I've felt it nagging—nagging."

"Nagging?"

"Yes—I could keep you out of my waking hours, out of my thought; but when I surrendered myself to sleep the call would come—and I think it was rather cowardly of you, really."

Jack was too well read in the current and semi-scientific comment of the day to pretend any doubt of the sinister influence that Helen's speech implied. His strain of superstition also made him readily tolerant of the imputation, but the knowledge of his own intent made him ascribe her view entirely to what he was pleased to call a feminine sentimentality. Helen's earnestness, therefore, produced in him only amusement. His reply was playful.

"I plead guilty to having thought of you, Helen—lots—and it was generally when I was alone—late—my—my clients gone—and it was in this room,

> "'Whose lights are fled,
> Whose garlands dead,
> And all save him departed.'"

And with the quotation of the old song they had frequently sung together, Jack put his hand theatrically upon his breast.

Helen, overlooking his inhospitable reception of her psychical suggestion, accepted Jack's mood and met his airy flight.

"And as you say—here we are."

"Well, what of my offer?" Jack promptly challenged. "Shall we say to the world—'we told you so'? What of my picturesque finish?"

He leaned over her chair and held the hand that lay upon the table. Helen thrilled to the double appeal of the vibrant voice and physical nearness of her old lover—it required all her resolution to answer, in measured tones:

"You know my ideas—you've known them twenty-two years."

"No modifications?" Jack pleaded.

"None."

Brookfield sighed. He moved from behind Helen's chair to a point within her vision, and pointing to the floor above, in the rooms of which most of the paraphernalia of the establishment was arranged, he said:

"I'm willing to sell the tables—and—well, I don't think I could get interested in this bridge game that the real good people play—would you object to a gentleman's game of draw now and then?"

"You called it a gentleman's game in those days."

"No leeway at all?"

"No compromise, Jack—no."

Brookfield passed his hand wearily across his eyes as he had done earlier in the interview. His keen

sense of humor saw something rather droll in this attitude of himself and Helen—her implied conditions, his apparent consideration—and with a quick deference that had always been part of his charm where women were concerned he said:

"I trust you won't consider my seeming hesitation uncomplimentary."

"Not unprecedented, at least." And Helen smiled in recollection of a smilar conclusion some two-and-twenty years before.

"You see, it opens up a new line of thought," Jack said, reflectively. He pressed his fingers over his eyes.

"And you have a headache, too," Helen recollected, with sudden compunction. "It isn't kind, I'm sure." She stood up and took Jack's hand in hers.

The hall-boy, Jo, came in to announce that the gentleman who had telephoned about the picture was below. Jack asked Helen not to go away, as the interview would be short, and he added:

"I think we can settle this question to-night, you and I."

"Please don't put me in the light of waiting for an answer," she said, with gentle raillery.

"Dear Helen, we're both past that, aren't we? If I could only be sure to prove worthy of you! I'm the one that's waiting for an answer from my own weak character and rotten irresolution."

It was all the confession that Helen could have wished. Jack lifted the hand that he still held and kissed it gently. He kept her hand in his until they reached the doorway, and still, as she was going, held

"SHALL WE SAY TO THE WORLD—'WE TOLD YOU SO'?"

THE NEW YORK
PUBLIC LIBRARY

ASTOR, LENOX AND
TILDEN FOUNDATIONS

it so fast as to arrest her progress. But she would not turn her face to him, and after a moment's firm pressure Jack released his hold, and she quickly disappeared. The interview, light as it had been at times, playful as Jack had tried to make it, had nevertheless stirred both natures as deeply as two people of their maturity and experience could be stirred. They had reconnoitred and established the most momentous question that could come into the life of either.

Brookfield turned solemnly back to the table, to the empty chair, to the paper-cutter that somehow seemed to have taken a part in their renewed relationship. He smiled as he thought of it, handling the ivory knife fondly—Helen's long-ago gift! The hour, the very atmosphere of the room, seemed potentially vibrant; he was moved to an unwonted degree as he muttered to himself:

"They say cards make a fellow superstitious—well, I guess they do."

VI

AS Jo ushered the gentleman into the room, Brookfield recognized him at once as the stranger whose gaze had so affected him in the theatre. He saw a man whose age was in the neighborhood of seventy, slight and graceful in figure, and noticeably erect for a man so old. The face was poetic, yet not lacking in strength; the expression one of indulgent patience. Jo announced the visitor:

"Judge De Brennus."

Brookfield repeated the name with a declination of welcome. There was a half twinkle of amusement between them as the visitor, after a glance at the negro boy, corrected his announcement—"Justice Prentice."

"Oh, Justice Prentice!" said Jack, in immediate recognition of the name; "good evening." Jo left them.

"You are Mr. Brookfield?"

"Yes," Jack assured his visitor.

"I shouldn't have attempted so late a call but that a friend pointed you out to-night at the opera, Mr. Brookfield, and said that your habit was—well—"

"Not to retire immediately?" Jack suggested.

The Justice nodded with a smile.

"Will you be seated?" Brookfield indicated an easy-chair.

"I'm only passing through the city," said the Justice. "I called to see a Corot that I understand you bought from Knoedler."

"That's it." And Brookfield pointed to the canvas which earlier in the evening Clay had been telling Viola was his inspiration for the decoration of the room.

"Thank you—you don't object to my looking at it?"

"Not at all." Brookfield touched a button and turned on the battery of lights above the picture. The old Justice regarded the canvas affectionately for a moment, and then said:

"That's it. I thought at one time that I would buy this picture."

"You know it, then?"

"Yes. Are you particularly attached to it, Mr. Brookfield?"

"I think not irrevocably."

"Oh."

Brookfield, divining that his caller was a possible purchaser, took from the table a pad of paper and busied himself with a slight computation covering the cost of the Corot, the interest on the investment, and the like. He had seated himself where the table interposed between his hands and the gaze of his visitor, and he thought himself unobserved. At any rate, the Justice, with his eyes still upon the canvas, had no chance to see him, yet after a moment's interval he inquired:

"Do I understand that is what you paid for it, or what you intend to ask me for it?"

"What?"

"Sixty-five hundred."

Brookfield's glance involuntarily sought the figures on the paper.

"I didn't speak the price, did I?"

"Didn't you? Oh" — the Justice paused — "I couldn't pay that amount."

"That's its price, however," Brookfield said, struck by the remarkable coincidence between the sum named and the one he had written on the pad.

"I regret I didn't buy it from the dealer when I had my chance." The Justice looked about the room. "I couldn't have given it so beautiful a setting, Mr. Brookfield, nor such kindred, but it would not have been friendless."

The speaker crossed to the fireplace, regarding a second canvas that was hanging there.

"That's a handsome marine."

"Yes."

"Pretty idea I read recently in an essay of Dr. van Dyke's—his pictures were for him windows by which he looked out from his study into the world."

There was no answer or comment from Brookfield, and the Justice added, interrogatively:

"Yes?"

"Quite so." Brookfield roused from his reverie.

The Justice left off contemplating the picture above the fireplace, and moved to another hanging over the doorway that led to the dining-room. His back was now fully turned toward Brookfield, who looked at him with an increasing interest. The Justice, glancing over his shoulder, said:

"M— Washington."

"What?"

"My home is Washington—I thought you asked me."

"No, I didn't," answered Brookfield, a trifle petulantly.

"I beg your pardon." And again the Justice fell to looking at the picture.

Jack rose from his chair, every nerve alert and every sense taut as he said to himself, under his breath:

"But I'm damned if I wasn't just going to ask him!"

"And the phases of your world, Mr. Brookfield, have been very prettily multiplied." The visitor was looking about the room with ordinary ease, and apparently unaware that he had startled his host.

"Thank you," Brookfield said, answering the statement. "May I offer you a cigar?"

"Thank you, I won't smoke."

"Or a glass of wine?"

"Nothing. I will return to the hotel, first asking you again to excuse my untimely call." The old gentleman retraced his steps across the room to a position in front of the Corot, taking his hat from the table as he did so, preparatory to going.

"I wish you'd sit down awhile." Brookfield had a desire to know more of the man. The Justice, unmindful of the interruption, continued:

"But I didn't know until I missed it from Knoedler's how large a part of my world—my dream-world—I had been looking at through that frame."

"Well, if it's a sentimental matter, Mr. Justice, we might talk it over."

"I mustn't submit the sentimental side of it, Mr. Brookfield, and where I have so—so intruded."

"That's the big side of anything for me—the sentimental."

"I'm sure of it—and I mustn't take advantage of that knowledge."

"You're sure of it?" Brookfield asked, uneasily.

"Yes."

"Is that my reputation?"

"I don't know your reputation."

"Then how are you sure of it?"

"Oh, I see you," said the Justice, looking at him steadily, "and—well, we have met."

For the second time that night Brookfield was conscious of that pair of eyes; for the second time in his life, as far as he could remember, that creepy feeling of unreasonable fear tingled over his shoulders and through the roots of his hair. Brookfield felt, as the Justice looked at him, that not only his life but his mind and his very soul were open books to that penetrating gaze. There was in it nothing of menace, yet it required all of Brookfield's fortitude to meet it. He would have liked to speak—to say some defensive thing, but he uttered only an impotent and half-audible "Oh!"

The spell, if spell it were, was lifted by a pleasant bow from the Justice and an equally pleasant "Good-night." The old gentleman had reached the doorway, and was in the hall before Brookfield pulled himself together sufficiently to say:

"One moment." The Justice turned inquiringly. "You said your address was Washington?"

"Yes."

"You thought at the time I was about to ask you that question?"

"I thought you had asked it," the Justice answered, quite honestly and easily, at the same time retracing his steps into the room.

"And you thought a moment before I had said sixty-five hundred for the picture?"

"Yes."

"Do you often pick answers that way?" Brookfield asked, affecting a lightness which he by no means felt.

"Well, I think we all do at times."

"We all do?"

"Yes; but we speak the answers only as we get older and less attentive, and mistake a person's thought for his spoken word."

"A person's thought?"

"Yes."

"Do you mean that you know what I think?" And again, although this time there was nothing penetrating in the old man's look, Brookfield felt a premonition of that creepy feeling in the shoulders. It was dissipated by the human quality of Prentice's reply.

"I hadn't meant to claim any monopoly of that power. It's my opinion that every one reads the thoughts of others—that is, some of the thoughts."

"Every one?"

"Oh yes."

"That I do?"

"I should say you more generally than the majority of men."

There was a moment's fraternity in the look that the Justice now fixed upon him—a fraternity that robbed the penetration of all discomfiture.

"There was a woman said something like that to me not ten minutes ago."

"A woman would be very apt to be conscious of it."

Jack looked at him, not altogether without bewilderment.

"You really believe that—that stuff?"

"Oh yes; and I'm not a pioneer in the belief. The men who declare the stuff most stoutly are scientists who have given it most attention."

"How do they prove it?"

"They don't prove it — that is, not universally. Each man must do that for himself, Mr. Brookfield."

"How?"

The Justice smiled patiently. "Well, I'll tell you all I know of it."

Brookfield had taken Helen's chair at the end of the table—was leaning forward on the table in his eagerness. The Justice again put down his hat, and with the manner of a man who felt that he was performing a duty to an inquirer, and with an entire absence of display, he said, in a voice the melody and modulation of which Brookfield was beginning to notice pleasurably:

"Every thought is active—that is, born of a desire —and travels from us, or it is born of the desire of

some one else and comes to us. We send them out or we take them in—that is all."

"How do we know which we are doing?"

"If we are idle and empty-headed our brains are the play-rooms for the thoughts of others—frequently rather bad. If we are active, whether benevolently or malevolently; our brains are work-shops—power-houses. I was passively regarding the picture. Your active idea of the price registered, that is all; so did your wish to know where I was from."

Brookfield moved earnestly and uneasily in his chair. He started ineffectually to say something, and then, out of the rush of questions that clamored for answer, he blurted:

"You say 'our brains.' Do you still include mine?"

"Yes."

"You said mine more than the majority of men's?"

"I think so."

"Why hasn't this—whatever it is—effect happened to me, then?"

"It has."

"Why didn't I know it?"

"Vanity—perhaps."

"Vanity?"

"Yes—often some friend has broached some independent subject, and you have said, 'I was just going to speak of that myself.'"

"Very often; but—"

"Believing the idea was your own, your vanity shut out the probably proper solution that it was his."

"Well, how then does a man tell which of his thoughts are his own?"

"It's difficult — most of his idle ones are not. When we drift we are with the current. To go against it, or make even an eddy of our own, we must swim—most everything less than that is helpless."

"Well, I haven't been exactly helpless," Jack said, smiling.

"No one would call you so, Mr. Brookfield—you have a strong psychic—a strong hypnotic power."

"You think so?"

"I know it."

"This business?" Brookfield mimicked the stereotyped gesture of the mesmerizer.

"That business," answered Prentice, smiling at the word, "for the beginner."

"You mean that I could hypnotize anybody?"

"Many persons—yes; but I wouldn't do it if I were you." And the Justice took his hat to go.

"Why not?"

"Grave responsibility."

"In what way?"

The Justice inhaled deeply, as if to embark upon an extended explanation; then Brookfield saw a wave of fatigue and amusement cross his face as the extent of his proposed undertaking evidently appalled him. Perceiving that his host was aware of this, the Justice answered, with a smile distinctly paternal:

"I'll send you a book about it—if I may."

"Instructions?"

"And cautions—yes. If you tire of your Corot"—the Justice turned again to the door and the picture hanging beside it—"I should be glad to hear from you."

"Why can't I save postage by just thinking an-

other price?" bantered Brookfield, following the Justice out of the library.

Prentice met him in his own spirit as he replied: "The laws on contracts haven't yet recognized that form of tender."

Brookfield had said good-night to his visitor, and was lingering, thoughtfully, in the hallway when the sound of raised voices reached his ears. He hurried back to the library, wondering, as he heard Denning's tipsy laugh, what mischief he was up to now.

Despite Ellinger's efforts to control Denning the latter had continued to annoy Clay and Viola in their very amateur attempts at billiards, and several trips across the hall to the sideboard in the dining-room had not tended to improve his pleasantries. From mere playfulness his intrusions had taken on the character of opposition; this opposition had developed into ugliness, and finally into aggression. In all of these phases his attack had been secretly aggravated by Hardmuth, who saw with delight the inexperienced boy, under the strain and irritation, appearing in less and less favorable light before Viola.

Once when Denning had confronted Clay at the rail of the billiard-table, both Ellinger and Viola, who with Hardmuth constituted the remaining company in the billiard-room, had noticed the boy suddenly quail and turn away from his tormentor. As Denning again approached him they heard Clay suddenly call out in evident terror:

"Don't come near me with that scarf-pin!"

The eccentricity of Clay's aversion called Ellinger's attention to the pin which the young millionaire was wearing—an ordinary stick-pin fitted with the semi-precious stone commonly known as a cat's-eye.

Denning, in his intoxication, was hardly to be blamed for not understanding the character of Clay's objection to his scarf-pin; Ellinger himself didn't understand it; but the boy's excitement when the pin came within the range of his vision was only too evident.

As Denning followed him Clay threw his cue on the table and started to leave the room. Denning, in a return of playfulness, caught the boy by the shoulder and turned him so that they faced each other.

"What's the matter with my scarf-pin?"

"I don't like it," Clay answered, as he covered his eyes with his hand.

"Well, I don't like your face," the young rowdy retorted, annoyed by the criticism.

Viola, alarmed at the occurrence which had now taken on almost the character of a physical conflict, went quickly from the room in search of her mother and Mrs. Whipple. The boy, breaking from his tormentor, ran across the hallway and through the dining-room as Denning, with a view to intercepting him, lurched into the library from which Justice Prentice and Brookfield had just gone.

"J'ever see anything's funny as that? He don't like my scarf-pin. Well, I don't like it, but my valet put it on me, and what's the difference?"

Hardmuth, who had missed the explanation for the

explosive conduct of the boy, followed Ellinger and Denning.

"What was that?"

"My scarf-pin," answered Denning.

"Scarf-pin?"

"Yes; he pushed me away from him, and I said, 'What's the matter?' He said, 'I don't like your scarf-pin'; and I said, 'Don't? I don't like your face.'"

"That was very impolite, with a lady there," Ellinger said.

"Why should he criticise Tom's scarf-pin?" Hardmuth asked, combatively.

"Exactly," continued Denning. "I said, 'I can change my scarf-pin, but I don't like your face.'"

At this moment Clay entered from the dining-room and moved toward the hallway.

"Where's Jack?" he paused to ask Ellinger.

"Saying good-night to some old gentleman below."

Denning grabbed the boy by the lapel of the coat as he was going, and repeated, in a brow-beating manner:

"And I don't like your face."

"That's all right, Mr. Denning." Clay tried to pass him. "Excuse me."

"Excuse me," echoed Denning, as he held on to the boy, and at the same time, with his disengaged hand, drew the scarf-pin from his tie, "what's the matter with that scarf-pin?"

"It's a cat's-eye," answered the boy, tremblingly, "and I don't like them, that's all—I don't like to look at them."

"Let him alone, Tom," Ellinger expostulated.

"Damned if he ain't scared of it!" laughed Denning, waving the pin in annoying proximity to the boy's face.

"Don't do that!" Clay screamed, in tones that were audible through the hallways.

"It won't bite you, will it?" Hardmuth sneered, in manifest contempt for the boy's weakness.

"It will bite him," Denning answered, pushing the pin against Clay's cheek and barking in imitation of a dog.

"Don't, I tell you—don't!" screamed the boy.

"Bow-wow-wow!" persisted the drunkard.

The lad made a frantic effort to free himself from Denning, and with both hands succeeded in pushing him a step or two away. Denning, cheered on by the applause and laughter of Hardmuth, as well as by the mere physical excitement of the contest, lurched toward the boy again, waving the objectionable pin before him. Clay turned to escape—the table was in his way. As his hands fell upon it one of them mechanically clutched the large ivory paper-cutter lying on the table. Without intent to injure, with no motive but to escape, with nothing but the instinctive resistance of a hunted animal, the boy struck in the direction of his pursuer. The heavy tusk—of greater weight than an equal billet of green oak—caught Denning just above the temple. A second and a third time Clay struck with the unreasoning impulse of panic and defence. The drunkard swayed a moment under the blows, and fell, an inert mass, at the feet of Ellinger just as Brookfield, having

dismissed his visitor and alarmed by the cries, came hurriedly into the room. Brookfield saw the falling figure; he saw the frightened and livid boy, scarcely understanding what he had done and yet aghast at what he comprehended. Jack called to him.

"He pushed that horrible cat's-eye right against my face!" the boy cried, with trembling lips.

"What cat's-eye?"

"Only playing with him," Hardmuth answered, with the bitterness of the prosecutor, as he stooped and picked up the jewel—"a scarf-pin."

Ellinger was kneeling over Denning, and tried to lift his head. He now turned, and, in laconic phraseology most familiar to his hearers, said:

"He's out, Jack."

Brookfield also knelt beside him, critically examining the stricken man.

"I didn't mean to hurt him," Clay lamented—"really I didn't mean that!"

"The hell you didn't!" Hardmuth accused, taking the paper-cutter from the boy. "Why, you could kill a bull with that ivory tusk!"

Jo and Harvey, the darky servants, had entered the room. Mrs. Campbell, having been on an upper floor, had not heard the cries of the boy, but had decided to leave the house upon the report which Viola had brought from the billiard-room. She had now come to announce her departure.

"Wait a minute," her brother commanded. Then speaking to the negroes, he said, "Help Mr. Ellinger put him on the window-seat—give him some air."

Brookfield pointed into the dining-room. Ellinger and the darkies carried Denning from the library.

"What is it?" Mrs. Campbell inquired, startled at the scene before her.

"An accident," Jack answered. "Keep Helen and Viola out of these rooms."

"Hadn't we better go? Clay is with us."

"I can't go just now, Mrs. Campbell," Clay said, following the figure of Denning as it was carried from the room. "I hope it isn't serious—I didn't mean to hurt him—really."

"A quarrel?" Mrs. Campbell queried, looking from her brother to Hardmuth.

There was a momentary pause as the men's eyes followed the direction in which Denning had been carried out. Ellinger now returned to Brookfield with a single gesture of hopeless import.

"A murder!" Hardmuth answered.

His reply was overheard by Mrs. Whipple and Viola as they entered the room. Before they could inquire its meaning Clay, wild-eyed and terror-stricken, came running from the dining-room, calling as he saw his mother:

"I've killed him, mother! I've killed him!"

"Killed him!—whom?"

"Tom Denning," Hardmuth made reply, in persistent accusation.

"But I never meant it!" Clay cried, pathetically. "I just struck him, Jack—struck wild!"

"With this," Hardmuth added, malevolently, holding the ivory tusk bludgeon fashion.

"With that— Oh, my boy!" And Helen took

"I'VE KILLED HIM, MOTHER! I'VE KILLED HIM!"

THE NEW YORK
PUBLIC LIBRARY
ASTOR, LENOX
TILDEN FOUNDATIONS

the trembling lad in her arms. Tears were in Viola's eyes.

"That will do," said Brookfield, taking command of the situation; "that will do, everybody."

The agitated group became for the moment obedient and attentive.

"Lew, telephone Dr. Monroe it's an emergency case, and to come in his dressing-gown and slippers." Ellinger left the room. "Alice, I know you're not afraid of a sick man—or—that sort of thing. Help me and Jo." Brookfield put his arm about his sister preparatory to leading her to where Denning's prostrate form lay, turned, and, addressing his niece, said, "Viola, you take Mrs. Whipple up-stairs and wait there."

Hardmuth, craftily assuming a part in the general atmosphere of action, started for the hall, saying as he did so:

"I'll notify the police."

The words struck the women like a blow. Helen's heart-broken moan was lost in the imperative "Stop!" that rang out from Brookfield; then, interposing himself between Hardmuth and the doorway, he added, in a tone of unmistakable menace:

"You'll stay just where you are!"

"Are you trying to hide this thing?" Hardmuth challenged.

"The doctor will tell us exactly what this thing is," Jack answered, with undiminished positiveness, "and then the boy will have the credit himself of notifying the police."

VII

THE testimony of eye-witnesses, all anxious to be honest, is difficult to reconcile. The difficulty increases with time, even though the anxiety to be honest persists. Impressions grow dim, vivid mental reflections get mistaken for actual happenings, prejudice colors, discolors, or bleaches recollection; things heard are remembered as things seen; inaccuracies repeated take on the authority of fact—all this in the testimony of eye-witnesses. Add to that the emphasis and exaggeration of the fairest-minded hearsay, and to this the distortion of intentional misrepresentation, and we have the matrix in which the public estimate of an occurrence is cast.

A murder in the gambling-house of Brookfield, although mainly dependent upon causes utterly unconnected with the business of the establishment, was soon accepted as a natural consequence of that business, as an unanswerable argument for the suppression of it, and also as an added reason for the ostracism of the proprietor.

The game at Brookfield's closed.

The public attributed this to fear. The real cause was Brookfield's sensitiveness and sympathy. An irreparable calamity had befallen the woman he loved. Her son was to be tried for his life, because of an

offence growing out of a situation for which he felt himself measurably responsible. Viola, the niece whom Brookfield loved with a tenderness exceeding that of many a father, was suffering an affliction almost equal to that of Helen herself.

During the first weeks of Clay's imprisonment, the time covered by the notoriety and comment, by the application for bail and its refusal, by the coroner's inquiry and the indictment, Hardmuth had approached Brookfield with a covert proposal to lessen the rigor of the prosecution if given assurance that Viola would accept him as a suitor. The arrangement had been suggested with an indirection of which Hardmuth was a master, but this approach, skilful as it was, precipitated a collision between him and Brookfield that stopped all sentimental pretence on Hardmuth's side and all hope in the mind of Brookfield for any consideration at the hands of the prosecution.

Brookfield's energies and resources were at once conserved and applied to the task of liberating Clay from the consequences of Denning's death.

The best legal talent was retained. The paraphernalia of the gambling-house was sold. Mrs. Campbell and Viola were induced to give up their own apartments and again make their home with Brookfield. Helen, whose need to be near her son made a protracted stay in Louisville probable, was persuaded to join them. Their common affliction united them in one intimate and sympathetic family group.

The long delay necessary to the preparation of the

case, both by the prosecution and by the defence, was filled with weary days of corroding anxiety.

All that money and affection could provide in the prison conditions as they then existed in Louisville was procured for Clay. The old Jefferson Street jail was not a sanitary structure. That part of the building in which Clay was lodged was lighted and ventilated only by a skylight above the court, around which ran three tiers of cells, each tier opening onto an iron gallery or balcony, on which the prisoners took their daily exercise. The associates of the boy, during this waiting period of incarceration, were two or three men like himself, under indictment for capital offences, and a varying number from thirty to fifty charged with felonies and lesser crimes.

Through the influence of Brookfield and the sympathy of the jailer, Clay was permitted to have a little cell to himself. Permission was also given to furnish the cell with such simple necessities as the boy had been accustomed to have, and to send in meals superior to the usual prison fare from an adjacent restaurant.

The most liberal construction in Clay's case was also put upon the rules that governed visits to the prisoners by their friends. At some time during every day Viola and his mother called on him. There were encouraging visits from the attorneys, and once or twice each week Brookfield dropped in to cheer him.

Brookfield's time, however, in the main, was devoted to securing such expert testimony as would strengthen the contention of the defence, which the lawyers had decided should rest upon the inherited

physical aversion that Clay had for the cat's-eye. To establish the existence of these idiosyncrasies, Brookfield read all the books upon the subject of which the conversation of the experts gave him any hint.

In the related field of psychology, which this reading opened up to him, Brookfield found that a fascinating advance had been made since the date of the text-books he had perfunctorily read in his college days.

Naturally superstitious as he was, with an imagination more than normally active, Brookfield found himself standing on the threshold of a world unknown—in the presence of a power, a knowledge of which he believed would explain all that had been mysterious and baleful in his life. It seemed to him as though behind the screen of material appearance, and behind the web of tangible events, there was a force at work with an intent as definite as the purpose of an artistic weaver—an intent to combine apparently unrelated threads into figure, pattern, and design—a force throwing its willing, unconscious, frightened, reluctant, or rebellious shuttles through the warp of time, weaving with events its own robe, through the form and texture and decoration of which the spirit of things might be faintly apprehended. In the hands of these forces it seemed to Brookfield that he himself and all his friends and acquaintances were but puppets.

No event, no material thing, seemed accident or accidental.

The visit of the opera company that had brought Hardmuth and Clay into relation and into opposition

over Viola was a thread in the web of fate; his own boyish desire for the paper-cutter two-and-twenty years before was an immediate antecedent to its readiness as a weapon when Clay was impelled to strike; Helen's accidental dropping of it from the table to the floor when Brookfield was proposing to her was a notable intimation, by fate, that there would be this interruption to the courtship. This and a thousand other facts and incidents in his career seemed so closely interknit and articulated that Brookfield felt himself helpless in a universe of steel.

He was in this condition of introspection and apprehension when he found one night, after a busy and nerve-racking day of interviews, a somewhat substantial packet on his table bearing the post-mark "Washington." Brookfield opened it. The packet contained a note from Justice Prentice and a book on psychic phenomena, which the jurist on his visit had promised to send him and now recommended to his attention.

Brookfield read the book in one night. It was a scientific treatise almost devoid of technical terms, and addressed to the understanding of the layman. It set forth in simple, convincing, and logical procession a working hypothesis which gave him his first tangible hold on the question that haunted him.

Granting the difference between various and perhaps equally valuable definitions of the two sides of the human mind, the author of the book, for the sake of clearness in the mental picture he wished his reader to make, assumed that each individual was the possessor of two minds. The one of these two minds the

more in evidence and more consciously possessed, the mind of our daily voluntary conduct and business, the mind that holds communication with other minds through the means of the five senses, he called the objective mind.

This objective mind, with its five avenues of information, approach, and communication, was the temporary custodian, employer, teacher, and provider for a second mind more enduring and more richly stored than the objective mind; more reliable also, in that it had charge of all the automatic action already possessed by the individual organism, and constantly took under its care all conduct that became habitual or automatic; more powerful than the objective mind, in that it never slept, never forgot, never tired; wiser than the objective mind, in that it had access to every other mind and to the knowledge of every other mind on the same subjective plane as itself.

Brookfield had one mental quality that distinguished him in a degree from most of his fellows. His power of visualization was greater than theirs. Such ideas as were capable of graphic representation he saw in pictures; ideas that might not be so represented he saw in diagrams.

It is probable that this ability to form a clear picture in the mind is the one that, according to the degree of its possession, determines the degree of a man's success. It is probable that the strongest individual will in the world would accomplish but little if its owner could form no conception of what he desired. It is probable, on the other hand, that a thing desired can be obtained by a man of very ordinary will power

833253

if a clear picture of that thing can be persistently held in the mind.

"Where there's a will there's a way" is true only when the will is guided by the light of a defined desire.

Brookfield had a will. He had also the ability of visualization. Along his chosen line Brookfield was a success.

As he read the illuminating hypothesis of the author whose book Prentice had sent him, his vivid conception outshone the description in the volume. He saw before him a picture of the sea. Over the deep bosom of the water were billows, waves, and individual crests separating into drops of blown spray. To his mind's eye these drops and crests and waves and billows symbolized the objective minds of individuals, families, communities, and peoples sprung from an ocean of infinite mind of which each was part and with which each and all had possible communication.

Brookfield's own mind by constitution, by habit, and by a certain fallowness was most fertile soil for an invited analogy of this kind. The pictured idea took possession of him.

He sat alone in his library. His imagination made the silence vocal with the hum of subtle and mysterious power. On every side of him wherever his gaze fell it encountered some object acquired in response to an apparently vagrant whim, yet now all of these became intelligently eloquent and collaborative of the message he was just apprehending. Brookfield's habitual mental poise was for the moment too disturbed to enable him to see that the tonal agree-

ment between the objects was easily referable to the one taste and temperament that had dictated their choice and collection. When a lessening agitation did permit the approach of this idea he saw in that explanation itself only a more profound plan and pre-arrangement.

Over the mantel of this room, as over the mantel in the dining-room, was a marine painting built into the wood-work—a tossing sea with crests of spray.

Brookfield was startled, not so much to note that the painted picture was the counterpart of the mental picture he had conjured, as he was at his failure to associate the painting and its mental reflection at the first moment. This very dissociation gave the canvas mystic importance and ambassadorial authority.

The room was lighted by the hooded electrolier under which Brookfield had been reading. Its shade threw a half-gloom over walls and ceiling, a half-gloom made unstable and wavering by the flicker of the open fire. From the big clock in the hall a soft contralto bell struck two.

Beneath the painting on the mantel was a bronze cast of the Antommarchi death-mask of Napoleon; the inert touch of the lower lip against the uncovered teeth seemed trembling into the pronunciation of fate. On the other side of the room a sculptured Sphinx crouched on the book-shelves; Brookfield had brought it as a souvenir from the Nile. It had been in its present place some fifteen years without ever once living until now.

Over the door to the hallway was a marble bust of Pallas, with the raven perched upon it; on another

bookcase rested the Donatello head of Dante; a reproduction of the well-known mask of Beethoven, the mystic of melody, hung near by. Brookfield looked in turn upon these several objects. The profundity of the men whose masks and portraits were about him; the solemn riddle of the Sphinx; the placidity of the goddess of wisdom beneath the bird of doubt; the circling, embracing, symbolizing infinitude of the sea—each spoke to him of the restful deep in which all reposed; the infinite, all-wise Mind, watchful, communicating, benign; the one force for which his mind had been groping, the force behind the texture of material appearance.

The objects in the room were related in significance, not because his conscious taste had chosen them, but because a power behind him wiser than himself had done so—a power to which he also bore expressive relation.

Most men awaken so—that is, through the recognition of the significance of some important symbol, whatever that symbol be: a thing or an event, a banner or a bereavement.

The time was coming for Brookfield, as for all men, when the vibrating wire in the electric lamp over his table, or the embossed swirl on the cover of Khayyam, would be as eloquent as the tragic face of the dead emperor; when nothing in the universe, animate or inanimate, would again be mute. But for the present the objects about him were particular and accredited messengers.

The truth which Brookfield felt he had grasped, the truth reconnoitred by his recent psychological

reading, the truth cogently expressed in the book from Justice Prentice, the truth insinuated by the objects of art with which he had surrounded himself was, as he interpreted it, the essential oneness of all life, the essentially same significance of all things. By its light the years of what he had been pleased to call intellectual improvement and growth in culture seemed years of arrested development, even years of retrogression — nothing was of value that had not made for spiritual unfoldment; and as he reviewed his life Brookfield felt that he had hitherto walked in Cimmerian night.

For this new thought, this new conception of life that possessed him, the house seemed small and stifling. Brookfield took his hat and coat and went noiselessly into the street, went from the sculptured, the painted, and printed symbols in his room into the chill and tonic air, under the denuded moving branches of the trees through whose tracery and the etheric blue the stars were shining in glittering kinship.

As these bright luminaries paled in the winter dawn, Brookfield, physically weary but mentally and spiritually calmed, found himself pacing the sidewalk near the jail wherein Clay was confined with so many others for whom, in their error and misfortune, Brookfield had in his heart a fresh compassion.

VIII

THE law is terrible in its earnestness. However insignificant its various human instruments may be, there is a compelling majesty about the spirit of the law itself when once that spirit is invoked. The detached juryman, unlettered, uninformed, simple and primitive in his mental processes, less than unimportant in his social usefulness or position, associated with eleven of his kind, forms a body ominous and imposing, when endowed with the legal and awe-inspiring function of verdict.

The criminal court-room in Louisville compares favorably in almost every respect with the chambers of its kind in America. It is sufficiently ample, adequately equipped, well ventilated. Few court-rooms in America, however, surpass it in cheerlessness. Facing the judge's dais, six bleak windows and a transom look upon the stucco wall of the old court-house; to the right, four equally cheerless windows look on to the dead walls of the adjoining shops; to the left, two still more cheerless windows look upon an open court of dingy and painted brick; on the wall behind the judge, and to either side of him, similar windows look out upon the manufacturing establishments that flank this new chamber in the annex. Dingy canvases in dingier gilt frames

bear the almost stencilled faces of uncertain politicians.

The floor space of the room is divided by iron railings into three compartments—one end reserved for white spectators, one end for negroes, while the trial itself, with its actors, composed of prisoner, contending counsel, judge, jurymen, and distinguished visitors, occupies the middle division. Behind the jurymen, whose backs are to the pen of the white spectators, a second rail some four feet from that of the enclosure establishes a moral vacuum through which no sinister material influence may touch one of the insulated twelve.

The trial of the case of The People *vs.* Whipple was a *cause célèbre.* The youth of the prisoner and his respectable connections, his education, the unprovoked character of his crime as the public understood it; the almost deliberate killing of a friend who had only ridiculed him, and quite playfully at that, concerning his lack of skill at billiards; the promised revelations of the interior of a notorious gambling-house, always a place of curiosity to the newspaper reader, together with other factors, combined to stimulate an interest in the proceedings.

After the first day or two the distinction of the prisoner's friends who were with him in the court-room, and especially the reported beauty of his sweetheart, increased the general wish to be present.

Nor was there anything deterring in the reputation of counsel. The victim had been the son of one of Missouri's wealthiest packers. According to the newspapers, the attitude of this man toward the ac-

cused was one of great vengefulness. His money had been freely offered to assist the attorneys for the State in retaining associate counsel; it had also been used to secure the services of physicians of national reputation who, it was understood, would testify in rebuttal of certain other eminent specialists secured by the defence.

Although the case for the people was ostensibly in the hands of the prosecuting attorney, its directing genius was that officer's assistant, Mr. Hardmuth.

The associated counsel for the defence were misled by the prosecution's apparent indifference to the character of the jurymen during their selection. These legal gentlemen even began to hope that some covert leniency was to be indulged in by the representatives of the State.

It was Brookfield who, sitting with the family during those two or three preliminary days, and occasionally consulting with the lawyers for the defence, had discovered what ultimately proved to be the guiding intention in the prosecution's selection of the jury. This discovery may have been due to Brookfield's keen knowledge of human nature, surpassing, perhaps, that of the counsel; it may have been due to an especial knowledge of the character of Hardmuth; or it may have been due, as Brookfield himself began to suspect, to some subtle telepathic relation between the prosecutor and himself. But whatever the means of the discovery, the fact developed that Hardmuth, by persistency of intention and by the failure of an opposing preparation on the part of the defence, had secured a jury singularly dull and no-

ticeably phlegmatic—a jury to whom an appeal upon any ground of alleged nervous excitability would be made in vain. The appreciation of this fact, when Brookfield had called it to their attention, caused more consternation in the ranks of the defence's counsel than any other element in the case. Eliminate the consideration due to an inherited nervous idiosyncrasy, and the defence was left without a single extenuating plea.

The outline of the State's case removed all doubt as to their method. According to the calm, judicial, regretful utterances of the State's attorney, the twelve men in the double row of tilting swivel-chairs were called together to hear the story of a deliberate and spiteful killing—a killing of one friend by another, who had been frequently a beneficiary of the man he had made his victim, who had been frequently the antagonist of that man in games of chance, for which games the two had often met in the house where the tragedy occurred. The prisoner had been a uniform loser, had lost sums considerable to himself, but of no importance to his victim who had won them. This regularity of loss and envy of the prisoner for the better fortune, both at cards and in life, which the dead man had enjoyed had built up in the heart of the prisoner a hate of his companion as deep and as enduring as it had been gradual in growth; it was a hate none the less terrible because its object was unaware of its existence. The poor boy who had been killed on the night in question had indulged only in such simple raillery as one friend directs against another inept in any game of skill, and especially where

there were ladies among the spectators. This raillery was of a character that would have been accepted as evidence of friendliness by any man in the jury-box—it would have called for nothing more severe than a retort in kind, or some romping push with the shoulder, some slap on the back, or other rough playfulness. The man now dead, the former friend of the prisoner, had been slightly intoxicated—that would be shown by the State and would be admitted by the defence. He was in a condition in which even had his aggression not been friendly, even had his wish been to inflict bodily injury upon the prisoner, he could not have been dangerous to the prisoner himself, who had not been drinking on that evening, who was, as the jury might see, a young man of athletic build, and who had been at the time surrounded by several persons more friendly to himself than to his victim. The prosecution would show that the prisoner had been in no peril whatever, that he could not have acted in self-defence, that he could not have thought he was so acting, that the motive had been hate, that the intent had been murder, that the weapon had been lethal and deadly.

When the taking of testimony was begun the bare facts of the tragedy were simply outlined. That at one time in his annoyance Denning had waved a scarf-pin in front of the prisoner the prosecution itself established. The scarf-pin, being a small object, was passed to the jury so that each member of that body might see it for himself. The cat's-eye was handled with bovine indifference by Hardmuth's twelve citizens. Their first impression of it was potent in its

results, because received before any suggestion of its peculiar quality, if it possessed a peculiar quality, was made to their healthy and ordinary minds.

The paper-cutter, another exhibit for the State, was passed to the jury. This was done, however, after it had been shown that the paper-cutter had lain upon the library table in its accustomed place, familiar to the prisoner, to which, at one stage in the so-called quarrel, he had directly crossed. It was shown that when the prisoner had taken the paper-cutter from the table he had taken it by the lighter end and not by the handle, and had by this very selection turned it into the powerful weapon which it was. The twelve citizens in the jury-box were in the main not uninformed in the choice of weapons, and were not unappreciative of the value of this one as they passed it along their lines.

Lew Ellinger had been impatient to reach the witness-stand. He had been delighted that he was among the witnesses summoned by the prosecution; he had felt that half a dozen words from him, given with the fervor that he would lend them, would immediately clear the boy in the mind of any unprejudiced listener. The State's attorney, a much younger man than Ellinger, treated him with a curtness—one would almost say with a rigor—to which Ellinger as a Southern gentleman was not accustomed. The judge, a much older man than the State's attorney, and one with whom Ellinger had frequently foregathered in convivial association, sustained the conduct of the attorney with an inflexibility difficult to understand in a friend. It was only when the lawyer

for the defence took Ellinger in hand for his cross-examination, a process which Lew had understood was the epitome of impertinence and uncharitableness, that Lew received anything like the urbanity and gentility which had always made him cultivate gentlemanly associates.

It was during this cross-examination that Lew found his opportunity to utter many of the polished phrases which he had rehearsed during the preparatory months. Some of the best and most impassioned of these were almost spoiled by the interruption of the State's attorney. However much Ellinger had advanced the case of the defence, he certainly knew when he left the witness-box that no doubt existed of his loyalty to the prisoner.

As Lew minutely reviewed his testimony during that day and the next, he had sudden gleams in which he distinguished places where it might have been improved. He remembered several interruptions by the State's attorney which might have been crushingly rebuked if he had had the composure to construct the replies which now came to him in his calmer moments. But with it all there was only one line in his entire testimony, dragged from him by the prosecution in its redirect examination, which he regretted. In a moment of excitability, and perhaps personal vanity, he had said that a cat's-eye pushed into his own face in the manner in which the cat's-eye in evidence had been pushed into Clay's would not have excited him to any frenzy.

Hardmuth, another witness for the State, with a clarity most impressive to the jurymen, and with

the authority of a State's officer, an authority which every touch in the surroundings tended to augment, testified to the bare and uncolored facts of the tragedy. He had seen the commencement of the quarrel; he had seen the prisoner leave the room; he had seen the victim also leave the room and go into a second room in which the prisoner was not; he had seen the prisoner re-enter this second room and rejoin the victim; he had seen the difference, a quarrel on one side and a banter on the other, resumed; he had seen the prisoner take the ivory tusk in evidence and repeatedly strike his victim.

In the cross-examination of Hardmuth the defence elicited only the fact that in the general chorus of outcries which followed the enacting of the tragedy the witness himself had characterized the deed as murder, had himself secured the weapon, had started to notify the police, and had been stopped in that attempt by the proprietor of the house in which the murder occurred.

With this the prosecution rested—the first day of the trial proper closed. There was little popular sympathy with the prisoner, except such indirect sympathy as the spectacle of his weeping mother and sweetheart created. There was little belief in the minds of the legal profession that a successful defence could be established, and small doubt in the minds of the experienced reporters of the press that a conviction would be secured.

The close of this first day of the trial was a sad one for the little group composing the defence and associated with it. The boy himself was too intelligent

to be deceived by the reassurance of his attorneys, but was also too grateful for what was being done in his behalf not to take kindly the well-meant efforts of his attorneys at deception. There was sustaining companionship in the company of his mother and of Viola, but the quality of comfort that supplied the nearest approach to contagious courage he got from the strong and silent grip of Brookfield and through his determined eye.

It was not in Helen's heart to leave her boy while it was possible to be with him, and although both Brookfield and the lawyers advised against it, she accompanied him, with the consent of his custodians, on his walk from the court-room to the jail. This short journey took the party out-of-doors and through the alleyway known as Congress Street. Along this pavement the little procession made its way, Helen walking at Clay's side, with Viola and Brookfield just behind. The curious were there to note the passing of the prisoner, but they were remarkably respectful in the presence of the ladies, and it was characteristic of Kentucky manhood that even the loungers in front of the hotel and the café removed their hats in courteous silence as the party passed.

The evening was spent at Brookfield's rooms in a general council of the family, the attorneys, and the experts. The testimony of the day was reviewed, the plan of the case for the defence gone over for the hundredth time, and a programme for the coming day arranged.

It was the opinion of Colonel Bailey, who led the defensive forces, and the opinion concurred in by his

colleagues and Brookfield, that nothing was to be gained by wearying the court or jury in combating facts that the prosecution had established, with the exception of the single false assumption that a hatred had been built up in Clay's heart for Denning. Brookfield's own testimony would show, furthermore, that where one man lost and another gained, the gain and loss were not necessarily reciprocal, but that the loser lost to the house or its proprietor, and that the winner likewise won from the house or its proprietor. The principal thing to be established was the existence of Clay's aversion to the cat's-eye, his inability to look at the jewel and retain his self-control. The existence of similar idiosyncrasies, of which record was preserved in the medical books, was to be told by the experts. The loss of self-control in one so afflicted was also to be established. This line of defence frequently reiterated, this programme several times rehearsed, induced a semblance of hope in Helen's heart by the time the conference adjourned and she retired for the night. Long after that, however, Colonel Bailey, Brookfield, and Ellinger sat together in the library, a gloomy trio filled with foreboding for the morrow's development.

On the witness-stand next day Helen told of the existence of the same inexplicable abhorrence of the jewel on her own part, of one or two illnesses which, when a young woman, she had undergone as the result of looking at such a jewel, of medical treatment for the susceptibility, of its partial cure. She told also of the inherited loathing in her boy, of her grief at the discovery of the same, of the care with which

she had guarded him from exposure to the influence of the jewel, and of his singular behavior upon the several occasions when it had accidentally come to his attention.

Brookfield and the attorneys saw with a rising hope the effect of her story upon her listeners. Back of all she said was the simple wish of a true woman to earnestly tell the truth. There was no attempt at effect, there was not the slightest inharmonious expression, no touch of vehemence—nothing whatever but a few sad pages of family history pathetically and reluctantly revealed.

Whether by his own request or as a result of his chief's recognition of his ability for the task, the cross-examination of Helen was intrusted to Hardmuth. The witness and her friends all were prepared for an exhibition of rudeness and of brutality. They were disappointed. With a suavity and deference that rapidly won for him the esteem of the jury, Hardmuth began his interrogations.

"You were treated for this susceptibility of which you have spoken, Mrs. Whipple, this remarkable and inconvenient susceptibility, by a physician thoroughly familiar with its existence?"

"Yes, sir."

"By your family physician, was it not?"

"My mother's family physician—yes, sir."

"Yes, I meant your mother's family physician. I believe you said that this physician had treated your mother for a similar susceptibility, or idiosyncrasy, as it has been called?"

"Yes, sir."

"You were aware of the existence of this dislike to a cat's-eye jewel on the part of your mother?"

"Yes, sir."

"You have frequently heard her speak of it?"

"I have."

"And the physician that had treated her also treated you?"

"Yes, sir."

"Do you mind telling us his name?"

"No, sir—Dr. Lane."

"Do you see the gentleman in the court-room?"

"Dr. Lane is dead."

"Oh—well, that's too bad. He died recently?"

"No, sir—Dr. Lane has been dead some years."

"Do you mind telling the jury, Mrs. Whipple, how old you were at the time of Dr. Lane's death—or about how old?"

"I think I was seventeen years of age when Dr. Lane died."

"At that time you were completely cured of this difficulty?"

"Yes, sir."

"You say this same idiosyncrasy made its appearance in your son?"

"Yes, sir."

"Sufficiently to require medical attention?"

"Yes, sir."

"What physician treated him?"

"My husband was a physician himself."

"That hardly answers my question, Mrs. Whipple; do you mind telling the name of the physician who treated your son for this inherited trouble?"

"He was treated by his father, Dr. Whipple."

"By any other physician?"

"Not that I remember."

"No specialist was called in?"

"No, sir—none was needed. Dr. Whipple was himself one of the most skilled physicians of Philadelphia."

"I have no doubt of that. Did your husband make a speciality of nervous troubles?"

"No, sir—Dr. Whipple was a general practitioner."

"That is all, Mrs. Whipple."

Hardmuth smiled.

The defence, in its conference, had decided that it would be wise to put Viola on the witness-stand to testify to the degree of the annoyance which Denning had inflicted upon Clay. It was believed that in addition to the girl's testimony her great beauty would strongly influence the sympathies of the jury, and this was the evident result of her appearance.

Hardmuth, in his cross-examination of Viola, put but one interrogation.

"Your relation to the prisoner, Miss Campbell, is that of fiancée, is it not?—that is, you are engaged to marry this young man?"

"I am."

"That's all."

The experience of the battery of experts provided by the defence was not unlike the experience of all medical experts in stoutly contested murder cases. When an expert was insecure and uninformed he became ridiculous; when another was master of his subject the attorneys spread about his testimony and about the hypothetical question which induced it such

a cuttle-fish obscurity that the jurymen were glad to escape from the troubled mental waters into the clearer region of shallow ignorance. This part of the case for the prosecution was conducted by a new-comer in the office of the State's attorney—a young man of profound medico-legal attainment, whose services it was understood were compensated by the money of the elder Denning.

The expert medical testimony provided by the defence was combated by testimony and contrary opinion given by specialists of equal importance who were summoned by the State.

When these gentlemen were out of the way, Brookfield was recalled by the prosecution. The State's attorney, prompted by Hardmuth, said to him:

"Mr. Brookfield, the young lady who testified here earlier in the trial, Miss Campbell, is related to you?"

"She is my niece."

"Your sister's child?"

"Yes, sir—my sister's child."

"Is the young lady's father living?"

"No, sir."

"She is entirely in the care of her mother?"

"Not entirely, sir; the young lady is not without my protection, such as that may be."

"Are you her guardian, Mr. Brookfield?"

"I act as such."

"What do you mean by that?"

"I mean that I never have been legally appointed her guardian, but I try to discharge the duties of a guardian."

"That is what I supposed. You were informed

concerning this engagement of your niece to the prisoner?"

"I was."

"You knew, of course, that he was a patron of your gambling establishment?"

"I knew that he played in my house—yes."

"You considered him a young man of fit character to marry your niece?"

"I did."

"And this unfortunate position in which he now finds himself involved—has that in any way changed your opinion?"

"It has not."

In the summing up Hardmuth opened for the prosecution. He began with a misleading show of fairness; he complimented the jury upon their attention; he sympathized with them in the difficulty of the task they were called upon to perform; he emphasized the gratitude which the community would feel toward them for the service they were rendering; explained in simple language the condition of the civilization under which they were living, the necessity of law, the transcendent claims of the community over the individual. He then asked them to demand of the individual only the ordinary human qualities, and to dismiss from their minds any prejudice they had against the prisoner because of the fact that he had frequently played for money in a professional gambling-house, to lay upon himself, the speaker, any blame or reprehension they might feel for such conduct, because he, a much older man, had frequently offended in this manner, if to take part in a

game of chance were a real offence against public morals. Hardmuth then explained with almost kindergarten simplification the conduct of a trial—the needlessness of dwelling upon points upon which there was no dispute; the value of directing the jury's entire attention to the points that were at issue—that is to say, only those points in the entire controversy about which the State and the defence could not agree. So far as he himself was able to see, and he had a trained observation of such disputes, the only point at issue was whether the prisoner had been so excited by the sight of a cat's-eye that he was not responsible for his acts. If such a condition existed at the time of the killing, it meant an attack of emotional insanity; if such a susceptibility still existed in the prisoner, there was a resident tendency to be emotionally insane whenever the same provoking cause should again be presented. If that were true, it was indeed a grave condition; if that were true, it was, and should be, a matter of the most profound uneasiness to his relatives and friends—a matter of the gravest concern to the young sweetheart who had so bravely testified in his behalf.

In his long experience in the court he had seldom seen a more attractive, a gentler, or a more admirable young lady than this witness. There was not upon the jury a man so dull as not to understand how the uncle of this young lady, even though not her legally constituted guardian, should wish to act in that capacity.

It was easier to understand how a mother should do for a son all that this mother had done in the court-

room than it would be to understand her failure to do so much.

The sweetheart's interest was equally natural; in fact, Hardmuth's difficulty concerning the young lady's attitude would have been much greater if he had been called upon to explain on her part an indifference to the boy's position.

A life was at stake. The jury were to consider that.

Hardmuth talked on this part of his theme with almost the impressive fervor that would have been expected from the defence. He was not going to say roughly that the mother had testified falsely, but he was going to submit that any mother in that position could not fail to say anything which in her belief would make for the safety of her son.

The testimony of the experts, in kindness to the jury, Hardmuth was inclined to dismiss. Nothing had been said by them, no testimony had been given by them, for which they were not to be amply compensated; and nothing had been said by any one of them that had not been diametrically controverted by gentlemen equally eminent, gentlemen much more disinterested, and in a very much more difficult position, because it is much easier to give testimony in the defence of a man than it is to give testimony in the defence of a community. The principal thing for the jury to consider was the probability of this idiosyncrasy existing in the prisoner. Hardmuth himself had no doubt that it had existed to some extent in the mother; such ideas, as had been shown by the testimony of the experts both for the defence and

for the prosecution, were frequently concomitants of hysteria; but as some of the doctors had testified, and as all of the twelve intelligent men themselves knew, hysteria was peculiarly a feminine luxury. Hysterical men were unusual. In the case of the mother, the idiosyncrasy in question had disappeared as soon as the doctor who had discovered it in the grandmother had himself ceased to live. Its supposed reappearance in the boy was perhaps a piece of childish imitation built up from fireside gossip of the family. The boy's susceptibility had never been considered as sufficiently serious, even by the father of the boy, to summon the assistance of a specialist; and as the jury had heard several of the eminent specialists on both sides of the case testify, it was unusual, if not almost unheard of, for a physician to treat a member of his own family in a serious ailment.

Recurring to the testimony of Viola, he took up the possible effect of the young lady's appearance upon the jury. The jury were men—they were extraordinary men, if he might be permitted to say so—extraordinary men even in that community of extraordinary manhood. It might have escaped the attention of even the gentlemen themselves, but he now asked them to note that they made a body which would be a valuable addition to any military company or to any athletic association. Whatever accompanying intelligence this physical development carried with it, it surely carried with it a certain sentimental susceptibility. As men, now that he had called their attention to this fact, he asked them to

put their judgment in charge over their emotions, and in their duty to the State to rise superior to such influences.

The young and beautiful witness of whom he was speaking was in her way quite as unusual a physical specimen as any member of the jury; she was, also, very intelligent. She was old enough to know what a blight the alleged inherited tendency in the prisoner would be in a husband, yet, fully informed as she was, that blight became no bar to their intended marriage. One might attribute that to a quixotic willingness for self-sacrifice on the part of an infatuated girl; but what of the uncle, her guardian? Mr. Brookfield was not an emotional party; on the contrary, he was a man of wonderful self-possession, a man of wide experience, a man skilled in estimating men; he was, moreover, Kentuckian enough to understand the value of hereditary qualities, the value of sound progenitors and their relation to possible progeny. How had this alleged mental taint affected him or his decision to give his niece to the prisoner in marriage? Not at all. Even this killing, for which the prisoner stood on trial as the alleged consequence of this mental trait, had in no wise altered his decision to permit his lovely niece to become the wife of this defective person!

The jury must be forced to the conclusion at which the speaker had himself arrived: the friends and acquaintances of the prisoner regarded his mental affliction, if a mental affliction really existed, as too slight to interfere with any of his plans in life, and as of only sufficient importance to serve as an excuse

in the evasion of the law. That it was a trivial and insufficient excuse he had no doubt the serious men to whom he addressed himself would at once perceive.

But assume that the speaker was mistaken; assume that this terrible blight, fraught with such heart-rending consequences, really was there; assume that it was ineradicable, that it had existed in a grandmother, had been transmitted to her daughter, had now, in turn, been transmitted to a son, when was this fatal heritage to cease? If the jury found the young man not guilty of the crime of which he had been charged, if in their wisdom they were to set him at liberty, did any of them doubt that the marriage planned between the prisoner and this emotional girl would take place? Would a verdict of insanity be truly merciful? Would it be an act of kindness to the young man himself? Would it be a chivalrous generosity to the young woman to make it possible for these two to be joined in wedlock? Would it not only be sowing the wind that they might reap the whirlwind?

That, however, was its very narrowest consideration, the consideration of these two. What of the wider consideration, the protection of the community, that duty for which this jury had been assembled, that first and most important duty which they had sworn to discharge? For his own part, Hardmuth failed to see that the jury in their choice were not between the horns of a dilemma — either this disposition to emotional insanity did not exist, in which case it was not a valid plea in his defence, or it did exist, in which case it was all the greater reason to

protect the community against the prisoner and his kind.

With this presentation of his case, Hardmuth closed.

There was a murmur in the court-room ominously like approval. There was a stir in the jury-box, and a disposition on the part of the jurymen to look at the judge or at the attorneys for the State rather than into the faces of the little group that represented the defence.

Colonel Bailey, for the prisoner, made an able *ad hominum* appeal. He made an able review of the expert testimony. He made a strong plea for the reasonable doubt that any juryman might entertain, but there was in the court-room a subtle atmosphere impressing all that the task of the defence was uphill work.

More formidable than any testimony, more baneful than any evidence for the prosecution, was the stolid, animal, earthy quality of the jury which Hardmuth had so shrewdly secured and counted on. The only noticeable effect upon them had been produced by Viola's appearance, and Hardmuth, with his knowledge of human nature, partly instinctive, largely acquired, had skilfully offset that effect by dwelling upon the impending marriage of Viola and the prisoner.

Deep in the composition of every normal healthy man there is a survival of the primitive animal, a survival of the instinct that formerly made the male of every species belligerent at the sight of any female of that species taken by another male. It is a substructural if a melancholy fact that few bridegrooms

in public weddings have the sincere and unrestrained well-wishes and admiration of the male members of the congregation. It is a fact known to most attorneys skilled in the practise of the criminal law that no jury of men, however brutal themselves or inclined to like offences, can be found to sympathize with a prisoner charged with the forcible appropriation of a woman. This is not due to the jury's individual or collective stock of virtue so much as to the survival of a fine and primitive animal egoism.

Upon this instinct Hardmuth had relied; its deep current he had skilfully touched and stirred. A majority of the jury were unreasonably, immovably antagonistic to the prisoner.

The closing speech for the prosecution was short. The jury retired. Word came from their room that there was little prospect of an agreement at ten o'clock that night, and the Court, which had taken a recess, adjourned until the following morning, leaving the members of the Brookfield household to a night of harrowing suspense.

The verdict in the morning was "Guilty." The wise attorneys in charge of the prisoner's case believed that they had saved sufficient exceptions to the ruling of the Court—that the Court had made errors enough to give them an appeal.

IX

THE trial of Whipple, and especially the testimony of an assistant prosecuting attorney, established beyond further contention the frequently reiterated charge made by the reform newspaper that gambling was openly conducted in the city of Louisville. It established also the negligence of the police in this connection, and more especially the negligence of the district attorney's office if not, as the press was more than hinting, the collusion of that office in this nefarious condition of things. Hardmuth's explanation of his own participation was that, as an officer of the law, he was gathering evidence. The support of this assumption necessitated a fairly rigorous campaign against the gambling-houses.

Brookfield's was already dark; the frank paraphernalia of the establishment had been sold or disposed of. Once or twice a week, at irregular intervals and unfixed times, there was what Brookfield called a gentleman's game, when a few of the older patrons and his intimate friends sat down to a game of poker, as they might have done at some of their clubs. Gambling proper, however, with its full excitement and allure, was for the time diplomatically interrupted in all of Louisville's professional establishments.

This condition of affairs was a severe deprivation for Ellinger. Lew's interests in life were few, but were inversely intense. These interests included the race-track; the prize-ring; the theatre on its vaudeville side and in its reminiscent aspect; the fluctuation of the stock-market in so far as that fluctuation affected the quotation of a single railroad stock; the American Association of Professional Baseball Clubs; the show-window display of certain importing tailors; the afternoon parade on Fourth Street, particularly on Saturday after the matinée; the opening of the hunting season, not because of Lew's participation therein, but because of the superiority of the flavor of fresh game over that of the cold-storage supply; the conservation of one or two dwindling supplies of a certain vintage of bourbon; his diurnal pink for the button-hole and somebody's *eau de quinine* for the hair; but first, last, and continuously his greatest interest was the professional game of hazard known as faro. To take this from him was to make of Lew, in his own language, "a widow and an orphan."

With faro eliminated Lew's mind had more time at its disposal than its degree of activity demanded. The world grew gray, the universe seemed a complicated machine for the production of sorrow.

Lew's associates and nearest acquaintances were men who, like himself, felt particularly aggrieved by the drastic action of the authorities; men who, like himself, were more than indignant at Hardmuth's desertion and his betrayal of their interests; men naturally watchful for additional grounds of criticism of their common enemy. Hardmuth's conduct of the Whipple

trial took its place in their bill of grievances. Lew's own resentment of this part of Hardmuth's record made him doubly sympathetic toward the members of Brookfield's home. Nor was his sympathy unacceptable to Helen, in whose greater trouble any disposition to criticise Lew's past social record or present standing disappeared.

Lew was a welcome visitor. As a frequent escort to both Helen and Viola, he began in a measure to fill the void which in that department of usefulness had been created by Clay's enforced absence.

In times of deep and persistent sorrow there are few companions more acceptable than a loyal, undemanding, mature, mediocre friend—one whose vanity is not offended by long silences, whose watchfulness prompts to small and unimportant services, whose confidence is unquestioning, and whose punctuality and dependability banish friction from the small affairs of daily existence. Lew regarded the position in which the ladies found themselves as indirectly attributable to the business of a fraternity of which he was an open and avowed associate. His present loyalty, among its other qualities, was therefore fraternal.

Such entertainment as Lew was competent to suggest was exactly of that variety most salutary in its character for Helen and Viola. It uniformly demanded some physical exertion, an interest in material things, an attention to the outside world as opposed to speculation and introspection. It was to ride in the automobile, to visit this or the other farm of thoroughbreds, or to make the acquaintance of the

excellence of some road-house cuisine. On such excursions Lew systematically devoted himself to Viola or Mrs. Campbell, or both, and thus left Helen the fairly uninterrupted society of Jack.

During all this long and trying period Brookfield astonished Helen by the considerate delicacy of his attitude and bearing. Her thoughts were diverted from rather than invited to any mutual sentimental relation. Brookfield, while something more than a friend, was studiously less than suitor. He seemed instinctively to divine that in this period of Clay's peril Helen would not only regret any thought she might be induced to bestow on her own future happiness, but would remember unfavorably any attempt on the part of another to so direct her attention.

If Jack were careful of her physical or mental health it was that she might have strength to devote to her boy. The many thoughtful acts that were done in her behalf were apparently prompted by Mrs. Campbell; the numerous expenditures made necessary by her presence and for her comfort, entertainment, and diversion seemed always incurred by Mrs. Campbell. That hitherto unreliable and flighty lady was suddenly endowed with masculine prevision, generosity, and executive ability.

This indirect service could not fail of appreciation by a woman of Helen's delicate fibre rendered acutely sensitive by the recent cumulative tragic events. The more unkind the world seemed, the more generous Jack appeared; the closer and more inexorable the menace of the law, the more wonderful the interposing courage of Jack's defence; the more vulnerable

she and hers became, the more priceless his protection.

We grow in character through service. Brookfield himself was happily conscious of a spiritual growth. With every unselfish effort he felt an accession not only of compensating but of compounded power. He felt, too, an increasing calm. Something of this calm he had always possessed and to an enviable degree, but heretofore it had been the sufficing calm of poise and self-control.

This increased calm, whether because it was of another origin or whether reserve and surplus of power always so act, he found to his surprise had a compelling quality. Men of contrary minds seemed to fall easily into the line of his wishes, not through any expression or any argumentative presentation of his desire, but by its silent and serene tenure.

In his mental search for the source of the power residing in himself, Brookfield came again upon his larger conception of the interrelation of life, his recently acquired and developed philosophy plainly religious in its character. When he held in association the fact of his newly accepted belief in the oneness of life, and the truth by him more recently noted, that any expenditure of force in the unselfish service of others was apparently repaid, and in larger quantity, his active imagination began reaching for some explanation of this apparent repayment, some working hypothesis that his reason might approve.

Why did an effort, physical or mental, made with a purely selfish end in view tire him more than a similar effort spontaneously prompted by his desire to help

another? Why did the increase of skill or facility acquired in such selfish occupation seem measurably less than the skill or facility acquired in his disinterested efforts?

If this relation between the character of his efforts and the reflex action of those efforts upon himself really existed, Brookfield felt that a natural law universal in its operation must govern that relation. He felt that his experience could not be unique, that all who were working unselfishly for others, working without personal vanity or the hope of personal reward, working with love as a sole motive, must have, like him, an accession thereby of spiritual strength and ability.

There were men and women in Louisville, as there were in every community, whose lives were vital with altruistic purpose. Certain of these were known to Brookfield by repute, observation, or contact, and as his thought now singled them out he saw that each was animate with an uncommon strength. Looking nearer home, he realized that Helen in her devoted service to Clay had shown an activity and an endurance of which no previous chapter in her life gave hint; and that expenditure of force, instead of leading to an expected collapse, resulted in an astonishing reinforcement. Viola also, under the same stimulus, was exhibiting equally unsuspected power, a like endurance and a similar increase of strength where depletion had been looked for.

What was the secret of this energy? From what region did it come? There seemed no merely physiological explanation of it; in his own case Brookfield

was sure that no material explanation would suffice. It would not do to submit an analogy between the training of a muscle of his arm, for example, and the training of some mental faculty the growth of which might account for the added power of which he was progressively aware. The force within himself was deeper than intellection—at least, was quite independent of all conscious mental action; and when he had unreservedly lent himself to its expression it seemed to flow through him as through an outlet suddenly discovered and as from a reservoir of inexhaustible storage.

This figure, once suggested to the powerfully graphic mind of Brookfield, quickly shaped itself into a picture illustrative of the hypothesis he sought:

Back of the visible universe as it presented itself to his mind Brookfield saw an infinite, intelligent force pressing for expression. He saw men and women as so many avenues through which the force might flow. He saw it flowing freely and more freely through those who submitted themselves to its action. Where avarice would retain the flow to selfish ends he saw the force arrested and the man, no longer normal to its current, clogged and stifled with the sediment of accumulation, the force itself withdrawn to other channels. Where craft and ambition would misdirect and apply the force, he saw it measurably lessened, the agent distorted and misshapen.

Brookfield smiled at the simplicity of the picture he had conjured, the childishness of it. He remembered that every inspirational fanatic who had become a public nuisance, if not a menace, had considered him-

self a passive medium to the will of a force divine and infinite. Better remain a practical gambler, sordidly but sanely dickering for immunity with corrupt officials, than reform in a hospitality to such vagaries as this.

Brookfield as he sat there meditating in his library laughed aloud. He was the only auditor of his laugh, and as auditor he was not fully pleased. The laugh had a discomforting artificiality—it was not his own. Brookfield felt that there was another presence in the room . . .

He looked quickly about.

He walked to the doorway and turned the electric switch, thereby doubling the light in the hall—a glance up and down the respective stairways and then he came back, turning off the added light as he did so. The library was unpleasantly shadowy. The sense of another presence persisted. . . . Over his shoulders and through his scalp there crept that tingle he had felt at Macauley's, when Justice Prentice had first looked at him, and again on the occasion of Prentice's visit to this room. Brookfield reached to the wall and turned the nearest switch. The hood of lamps over the Corot threw their light on the canvas and its reflection dispelled the shadows from the corner of the room. . . . There was nothing to be seen but the familiar objects—the paintings on their background of garnet velvet, the rows of books, the inert face of the dead emperor, the Dante, the lidless eyes of the Sphinx in its patient vigil.

He crossed to the dining-room, passing over that end of the rug from which Denning's body had been

lifted just after Clay had killed him. The memory added nothing to his agitation—on the contrary, it rather steadied him, being part of the tangible problem in which he was involved.

Brookfield turned on the light in the dining-room. No one was there. From the sideboard a thousand facets danced their elaborate tribute to good cheer. One stately decanter gleamed orange and amber in its lower half. It invoked a thought of Ellinger—how that old comrade would laugh at Jack's present fantasy if he could know of it! He poured out a drink. The very character of the action, ordinary and commonplace, put his feet again on solid ground. He looked at the whiskey—to swallow it meant fear—it meant even more. As Brookfield considered his condition and the impulse to drink he felt that any voluntary benumbing of the sensitiveness he had developed would be retreat—would be a kind of disloyalty. He put the untasted liquor back upon the sideboard and returned to the library, repeating positively but somewhat mechanically the word "disloyalty." The uncanny illusion of the old Justice's presence was gone. Brookfield was alone in his room with its fondly familiar furniture and fittings, and in his mind nothing but the reiterant word — "disloyalty."

"Disloyalty? . . . Whose?"

"Your own!"

"Disloyalty to what?"

"To your ideal!"

The tendency of things to swim went by; Brookfield was himself again the centre of a calm.

"That was an attack of nerves," he said to himself, "worthy of an inmate of the Old Ladies' Home! What time is it, I wonder?" His watch showed twenty-nine minutes after midnight. "I'll see Monroe in the morning and get him to give me a sedative."

But he knew in his heart that he lied.

Two days after the night on which Brookfield had experienced what he called "an attack of nerves" he received a letter which read as follows:

"MY DEAR MR. BROOKFIELD,—I am sending you a second book upon telepathy and kindred subjects. This is the book which, on the occasion of my visit to your home, I promised to send to you. It has a very instructive consideration of the phenomena of hypnotism and some speculation upon the ethical question unavoidably associated with the use of that force. The first book that I sent you upon the subject of psychic phenomena I regarded as an essential preparation for the one I am sending to-night. I had not meant, however, to impose between the two books a probationary interval of such uncomplimentary length, but the rude fact is that I forgot the second one until to-day. My contrition will at once appear when I tell you that the hour is one-quarter past midnight, and that I pen this letter before permitting myself to retire. With sincere wishes for your personal usefulness and peace, believe me,

"Your obedient servant,

"JEFFERSON M. PRENTICE."

Brookfield looked at the date and wondered. The letter had been written in Washington on the selfsame night that he, sitting in his library here in Louisville, had been so strongly impressed by a sense of the writer's presence, and—assuming that the writer had

quoted standard time, to which Brookfield's watch was set—the hours had been identical!

What wizard's power was this! Brookfield endeavored to recall the only conversation he and Justice Prentice had held. He remembered his question, "Do you mean that you know what I think?" and the Justice's reply: "I don't claim any monopoly of that power. It's my opinion that every one reads the thoughts of others—that is, some of the thoughts." Had he, two nights before, been reading the Justice's thought? Or was it only coincidence that while his own mind had recalled a vivid recollection of the Justice, that gentleman had independently chosen to indite him a letter? Helen had said that in his college days he had been able to make her get up from her bed and write to him. . . .

Did he possess such a power unconsciously?

Prentice had said to him, "You have a strong psychic, a strong hypnotic ability." It was consequent to that statement that the Justice had sent him the second book of "instruction and caution."

Brookfield read the book in the concentrated intensity of a blow-flame—read and reread it. Its author differed with all those of his contemporaries who held that there was nothing in hypnotism but suggestion, and quoted in his support the agreement of those authors themselves that between the hypnotist and his subject there existed for an indefinite time after the hypnosis a strong *rapport*. What was this unison of vibration between the two but an invasion of the subconscious field of the subject and a permanent seizure of part of that territory? Was there

anything but an assumption, was there sufficient evidence to show that this *rapport* which seemed to persist through life ceased with the death of either?

It was under the discussion of this inquiry that the author introduced the ethical considerations to which Justice Prentice had called his attention. This presentation made an indelible impression upon Brookfield, not so much because of the dire consequences which it outlined as by the author's explanation of a vibratory agreement between two minds—the dynamic agitation of the communicating ether by one mind and its registration by the other mind. The figure fitted in and confirmed all that Brookfield had already worked out for himself.

Brookfield's family physician, Dr. Monroe, was a fad homœopathist—that is to say, Monroe was a "high-potency" man. The high-potency man obtains the ordinary homœopathic dose, already infinitesmal, and dilutes it maybe ten thousand times. There is no instrument in the universe except the human subconscious mind delicate enough to detect the presence of a drug in a high-potency pellet—no reagent known to chemistry will answer to its action. A high-potency homœopathist is a skilled diagnostician practising suggestive therapeutics in a blindfold. Now and then one of them lays aside the blindfold and joyously, but secretly, with blank powder, adopts in functional disorders the art of mental medicine. Monroe had not laid aside the blindfold, but he was peeping.

A wise physician who would not dare to confess to his pastor that he indulged in beneficent deceit at

three dollars a deception could find encouraging sympathy in the heart of the intelligent owner of a roulette-wheel. Monroe had so confided, and at length, to Brookfield; and in Brookfield's present psychological study of Clay's case Dr. Monroe had been his guide.

Together Brookfield and the doctor dissected the new book. The doctor had certain patients in whom he was sure he had occasionally induced a slight hypnosis. The features of their cases were discussed, the method of their cures. The doctor agreed with the reported opinion of the Justice that Brookfield was possessed of considerable magnetic power.

One night the two men had sat fairly late in Brookfield's library browsing rather than surveying the fascinating field they had partially explored in company when the young darky, Jo, intruded to solicit the doctor's ministrations. Jo was "low in his mind"; it transpired also "his food didn't seem to strengthen him none." Yet pulse, respiration, and temperature were normal; Jo's tongue was as clean as a sliced tomato. More careful inquiry developed the fact that a recent addition to Jo's circle of acquaintance was a young colored man from Louisiana, a person of aggressive amativeness and notably of winsome qualities with the opposite sex. Even Jo's own girl was taking fluttering notice of the new arrival. Some said that the young man was a doctor's son himself and could cast a spell. He and Jo had come to words over the girl. Jo couldn't recall the exact threat indulged in, but it had been to the effect that Jo had "better look out." Jo dated the most alarming of his

symptoms from that evening. The doctor and Brookfield looked at each other seriously.

"If this is a spell, Mr. Brookfield," said the doctor, "and I see no other explanation of it, I think it is a case where your faculties are more clearly needed than mine. You are a man constantly favored by fortune, the powers are with you, and I think you could do something for Jo."

"What do you think, Jo?" Brookfield asked the boy.

"Well, Marse Jack, if I *am* hoodooed, I'd bet your luck agin any *nigger* if you'd holp me."

Jack patted the boy comfortingly on his resilient kinks, patted him with that strong hand which subtly emitted reassurance to dog or horse or man. In accordance with his reading and his previous casual instruction from the doctor, Jack seated the boy in an easy-chair, his head at rest, his hands lying comfortably in his lap. Jo's attention was directed in turn to each part of his body, and complete relaxation induced. Brookfield then stroked him gently over the eyes, and brought his own hands down over shoulders, arms, and limbs, though not in actual contact. An easy smile flitted at the corners of Jo's ample mouth; a gentle pricking came into feet and fingers. He heard Brookfield, far away, say in a tone like the bass note on the chapel melodeon, "You may close your eyes, Jo."

The eyelids of the negro boy closed down with leaden slowness—his breathing deepened—he seemed to sleep.

Brookfield looked at the doctor—the doctor lifted

his hand, prompting Brookfield in the experiment. Brookfield placed his own hand some inches over Jo's and moved it slowly to one side. The boy's hand followed. Brookfield replaced it by the same method. When Brookfield's head was inclined to either side Jo's head moved with it.

Monroe took the boy's wrist in his grasp, noting beneath his skilled index-finger that the pulse was accentuated—the doctor indicated the fact. Brookfield was aware that his own heart was beating faster than usual. He had a moment's scientific curiosity as to whether its quickened action was due to the novelty of his occupation or was in reflex from his subject.

The room was purring like a sea-shell.

Before him was the still form of the negro; at his side the smiling, quizzical, intellectual face of the physician; about them the Sphinx with its unsolved riddle, the voiceless masks of the great dead, the bust of Pallas and the raven; and behind them all, back of the sleeper and the questioner and beneath the symbols, the unifying, buoyant, pervading field of force on which Brookfield felt he was about to tread.

He moved a chair near to the boy and sat down. Close to Brookfield's mental elbow and slightly behind him, as he sensed it, an admonitory something repeated to him the scruples of the author to whom Prentice had introduced him—scruples about invading the personal domain of another soul; but Brookfield felt that a darky boy's subconscious territory could not but be improved by the squatter immigration of a white man's volition, and especially when the fili-

busterer came to eject a Voodoo usurper. In a low monotone Brookfield began to speak to the boy:

"The spell that that Louisiana darky threw over you, Jo, will be gone when you wake up; so will that tired feeling. You will enjoy your food after this, and you will be more cheerful; you won't be low in your mind any more, and there won't any nigger cast any spell on you again. You are sleeping now —you are getting a lot more rest than you would out of any other sleep. The tired feeling is going away from you even now, and when I tell you to wake up you will feel almost as though you'd had a full night's rest."

Just then the electric buzzer connected with the front-door button sounded in the back hall. Jo had previously left the door of the back hall open when he entered, in order that the sound of the annunciator might be heard.

"Now, who can that be at this hour?" Brookfield said, as much to himself as to the doctor. The answer to his question came from the sleeping darky.

"That's Mr. Ellinger, suh."

"Mr. Ellinger?"

"Yes, suh; he's at the front door; he's got a paper bundle under his arm with two ducks in it."

Brookfield looked at the doctor.

"Can that be so?"

"It will be interesting if it is—wake him, and find out."

Brookfield spoke to the boy, snapping his fingers sharply before his eyes as he did so.

"That will do, Jo—wake up." Jo awoke. "There's somebody at the front door," said Brookfield.

"Is there?" said the boy.

"The bell just sounded."

"I didn't hear it, suh," said Jo, apologetically; "excuse me." Jo left to answer the summons.

"If that's Ellinger at the door," said Brookfield to the doctor when they were alone, "how do you explain that boy's knowledge of it?"

"Clairvoyance," the doctor answered, laconically.

"You know what Hudson would call it?"

The doctor nodded. "*Telepathie à trois.*"

The boy returned, followed by Ellinger, who had under his arm a home-made bundle. His face wore a beam of genial good-humor.

"'Evening, gentlemen," Lew greeted. "You will excuse the lateness of my call, Jack, but I saw a light in the window, and—"

Jack finished the sentence for him.

"And you didn't want to carry both those ducks home."

Lew held the bundle before him, turning it over and over with critical examination. At length, in bewilderment, he said:

"How the devil did you know that bundle was ducks?"

Little Jo, who stood by, regarded the scene with eyes bulging in amazement.

The reviewing courts denied the application of Whipple's attorney for a new trial.

But one hope remained.

That hope lay in a constitutional point upon which appeal was made to the Supreme Court of the United States. The point was most wire-drawn and attenuated. The attorneys themselves submitted it more in a determination to interpose every obstacle to an execution of the sentence upon their client than in a belief in the soundness of the contention. The basis of their appeal lay in the fact that the Court had given an order limiting the number of spectators. This order was given because the janitor had discovered a crack in the concrete ceiling of the cellar below the court-room. The order was enforced only during two days, and until the architect, who happened to be absent from the city, could return and make an examination. The crack had probably been there from the date of building, and bore no relation to the increased weight above it. The ceiling in question was of steel girders, and capable of serving as the floor of a round-house. To limit the number of spectators, however, the sheriff had issued tickets of admission. The defence submitted that in an unrestricted attendance some casual and voluntary witness might have entered with an experience which paralleled that of their client, and that the recital of such similar history might have weighed with the jury. The contention that the constitutional guarantee of a public trial had back of it a belief in the probability or possibility of such fortuitous testimony was pathetically hopeless, but it was a straw, and they were drowning.

Brookfield saw in the appeal nothing but delay, yet to Helen he argued for its promise. He even led her

to place some hope in his own acquaintance with Justice Prentice, a member of the Court. Helen, like most women, was too uninformed concerning the integrity and the incorruptible impartiality of that august body to see, as Brookfield knew, the futility, or rather the fatality, of any attempt to influence one of its members. Yet to buoy her failing hope he urged the value of this acquaintance — he also showed her the letter recently received from Justice Prentice.

Helen's memory, stimulated by the sight of this letter, recalled another letter, and in a firmer hand, which identified the writer of both as one of whom she had heard her mother speak.

"This Justice Prentice—was he, too, a Kentuckian?"

"Yes."

Helen at once set about finding such letters or papers as might establish the friendship between the families, or might point to other like avenues of influence. Her mother's effects were in the possession of another daughter older than Helen, who lived with her husband now removed to the Ozark country.

More to set Helen a task that would employ her mind and give her a change of scene than because her personal attention to the duty was required, or that any profit might come of it, Brookfield advised her to go to her sister's home and to make the search of her mother's papers herself.

Lew Ellinger went with her.

After Helen's departure the duty of the daily visit to Clay devolved principally upon Viola, who had as

company her mother, or as escort her uncle Jack or Dr. Monroe. These visits to Clay in jail were always in the presence and hearing of a guard, and with iron bars between Viola and Clay. No contact, even of finger-tips, was permitted between her and him, for in such slight communication might be conveyed a drop of poison that would rob a great commonwealth of its revenge. Notwithstanding these hard restrictions, Clay was cheered by the visits not more through Viola's hope for him and her confidence in his ultimate acquittal than he was by a strange sense of nearness to Brookfield and of his protection. On one occasion Viola inquired if at a certain hour of the night previous Clay had not called the guard to the grating in his cell and asked for a blanket. Clay looked quickly at the guard then on duty—to whom, in fact, the request had been made. The guard's wonder at the question was as great as Clay's. Viola explained that she had no knowledge of the fact herself, but asked the question at Uncle Jack's request. Another and a smiliar question at a later date verifying another experiment of Brookfield's only served to increase the watchfulness of the officials. It was evident to them that some underhand work was being attempted in the jail.

Brookfield's inquiries ceased, but the short naps which Jo took in his master's library continued in order that "Marse Jack" might make Jo more and more immune to every hoodoo in the world.

Helen and Ellinger returned. Both had been successful. Helen had found the letters for which she had searched, and Lew had found a game in Spring-

field from which he had won enough not only to pay expenses both ways, but to cover his seemingly inexplicable losses to Helen's brother - in - law, whose guests he and Helen had been, and who had developed an increasing fondness for seven-up during the visit. Lew admitted to Jack that these losses to the brother-in-law amounted to very little more than board and lodging would have footed had he and Helen invited comment by staying at the hotel. Jack's austerity during the circumspect phase of this confidence only aggravated a slight bronchial irritation of Ellinger's and increased Lew's anxiety concerning the adjustment of his *boutonnière*.

X

IN Washington, one evening in November, Justice Prentice sat at a game of chess with Justice Henderson, an associate of his Court. About them were books, for the most part heavy and uninviting, behind antiquated casements of diamond-shaped panes, for they were seated in the library of Justice Prentice's house. The room itself was as easy as an old slipper—warm with lamp and firelight, sweetly aromatic with the trimmings of a side-table on which a kettle simmered above a spirit flame. Near the aged players two tumblers stood amid the killed and captured chessmen, beside the checkered field on which knight and bishop still interposed between contending royalties. From each tumbler a gentle incense lifted languidly above a curl of lemon in the vapor-bath.

The two men, though near the same age, were alike in little else except judicial moderation of speech—Justice Prentice, poetical, sensitive, artistic, almost femininely intuitive, refined in features and expression, delicate of frame, and elegant in manner; Justice Henderson, practical, positive, matter-of-fact, sceptical, quizzical in glance, secretive, quaintly humorous, sturdy, and ordinary in figure and carriage.

From time to time as one pondered over a play the other moved about the room, or, lighting a pipe, stood

by and studied the board. There was this difference in their methods: in Justice Henderson's attack of a problem his look was fixed on the pieces and with a roving activity; Justice Prentice frequently looked through the smoke to the ceiling or closed his eyes entirely. After one of these silences Henderson made a move and announced:

"Checkmate in three moves!"

"I don't see that," said Prentice, his gaze returning to the board.

Henderson began to explain and to demonstrate, his finger above the pieces. "Well, knight to—"

"Yes, yes—I see," interrupted Prentice; "checkmate in three moves—that's one game each. Shall we play another?"

"Let's look at the enemy." Henderson drew his watch. "By Jove! Quarter of twelve! I guess Mrs. Henderson will be expecting me soon." And then, as he returned his timepiece to his pocket, he looked up with a new interest: "I'll play a rubber with you, Mr. Justice, and its result shall decide your position on the Whipple case."

"Why, I'm surprised at you! A United States Supreme Court decision shaped by a game of chess! We'll be down to the level of intelligent jurymen soon, flipping pennies for a verdict."

"And a very good method in just such cases as this," Justice Henderson protested. "Well, if you won't play, I'll have to go." He got up from his place at the table.

His host also rose, taking up as he did so his empty glass and moving toward the sideboard.

"Not without another toddy?"

"Yes."

"Oh, come now, don't you like this liquor?"

"Immensely! Where did you say you got it?" Henderson answered, feebly relenting.

"Kentucky. One lump, Judge?"

"Only one."

Prentice dropped the sugar into the glass. "My old home, sir. And a bit of lemon?"

"A piece of the peel—yes."

"They make it there," Prentice explained, as he reached for the water-kettle.

"I'll pour the water, Mr. Justice," Henderson volunteered, as he took the glass from Prentice and tipped the kettle.

"There, there—don't drown me," cautioned the host.

"My folks were Baptists, you see." And with this time-worn pleasantry Henderson handed Prentice the glass half full of water, and took his own containing the sugar and the lemon-peel. As he reached for the decanter he inquired:

"What did you say it cost you, Mr. Justice?"

"Fifty cents a gallon."

"What!" Henderson set his glass down upon the side-table with exaggerated caution, and going to the fireplace pushed the button of an electric bell. "I think I'll take water."

"That's what it cost me," Justice Prentice explained, with a humorous twinkle. "Its value I don't know; an old friend sends it to me—fifty cents for express."

"Oh!" Henderson relaxed in genuine relief and picked up his glass again.

"That's different, isn't it?"

"Very."

"He makes it down there," Prentice resumed; and then, with sudden recollection: "Why, it's in the same county in which this Whipple murder occurred!"

"How about that point, Mr. Justice?" Henderson remarked, becoming seriously persuasive. "We might as well admit it and remand the case."

"Oh no, there's no constitutional point involved."

"A man's entitled to an open trial."

"Well, Whipple had it."

"No, he didn't," contended Henderson; "they wouldn't admit the public."

"Oh, come, now — the court-room was crowded, and the judge refused admission to others only when there was danger of the floor breaking."

"But, my dear Mr. Justice," persisted Henderson, "that would have been all right to limit the attendance—"

"Well, that's all he did."

"Only he did it by having the sheriff issue tickets of admission. That placed the attendance entirely in the control of the prosecution, and the defence is right in asking a rehearing."

"Nonsense! Justice is a little too slow in my old State, and I am impatient with technical delays. It is now years since they openly assassinated the governor-elect, and the guilty men still at large."

"Why should the killing of Scovil bear on this case?" asked Henderson.

"It bears on me—I'm concerned for the fair name of Kentucky."

"Well, if you won't, you won't, and there's an end of it." Henderson drained his glass of toddy.

"Have another?" Prentice invited, in perfunctory hospitality.

"Not another drop."

Prentice's servant came into the room, answering the ring of Justice Henderson, who now asked for his coat. The servant left to get it. Justice Prentice, realizing that his offer of another toddy might have been in better nature, repeated it more cordially.

"No, I mustn't," his guest replied. "Mrs. Henderson has filed her protest against my coming home loaded."

"Well, if you won't, you won't." And the host set his own tumbler on the side-table.

"Hello!" said Henderson, picking up a book bound in limp morocco, "reading the Scriptures in your old age?"

"It does look like a Bible, doesn't it?" Prentice joined him. "That's a flexible binding I had put on a copy of Bret Harte—I admire him very much."

"I like some of his stuff."

"When I get home from the Capitol and you prosy lawyers, I'm too tired to read Browning and those heavy guns, so I take Bret Harte — very clever, I think. I was reading 'A Newport Legend' before you came. Do you know it?"

"I don't think I do."

With a gesture of apology Prentice took the book from his friend, explaining as he turned the leaves:

"It's about an old house at Newport that's haunted. A young girl in the colonial days died of a broken heart in the house, it seems—her sweetheart sailed away and left her—and here's the way Bret Harte tells of her coming back."

Justice Prentice's colleagues on the bench were aware of his fondness for reading aloud. There were times when their enjoyment of it was less than his own. Henderson sat down in submissive resignation.

"Oh, I'm not going to read all of it to you," Prentice growled, in playful protest—"only one verse."

Henderson affected to conceal a smile of gratification.

"I forgot to tell you"—Prentice again interrupted himself—"that when this chap left the girl he gave her a little bouquet—understand?" Henderson nodded. "That's a piece of material evidence necessary to this summing up," and in a legal manner Justice Prentice patted the page he was about to read. Then, in a voice trained by practice, modulated by temperament, and made rich by a life of self-control, the jurist read with exquisite tenderness:

> "'And ever since then, when the clock strikes two,
> She walks unbidden from room to room.
> And the air is filled that she passes through
> With a subtle, sad perfume.
> The delicate odor of mignonette,
> The ghost of a dead and gone bouquet,
> Is all that tells of her story—yet
> Could she think of a sweeter way?'"

In a manner of entire and light relief, he turned to Henderson.

"'COULD SHE THINK OF A SWEETER WAY?' ISN'T THAT CHARMING, EH?"

NEW YORK
PUBLIC
LIBRARY

ASTOR, LENOX
AND TILDEN
FOUNDATIONS

"Isn't that charming, eh?"

"A very pretty idea," Henderson answered, with judicial composure.

"Beautiful to have a perfume suggest her," Prentice urged, with stimulating enthusiasm. And then, after a moment's retrospection: "I suppose it appeals to me especially because I used to know a girl who was foolishly fond of mignonette." The Justice closed the book tenderly.

"Well, you don't believe that stuff, do you?" Henderson questioned.

"What stuff?"

"That Bret Harte stuff—the dead coming back—ghosts, and so forth."

"Yes, in one way I do. I find as I get older that the things of memory become more real every day—every day. Why, there are companions of my boyhood that I haven't thought of for years who seem to come about me more tangibly, or as much so, as they were in life."

This poetic side of his nature was one that Prentice did not often show to his material-minded friend, consequently the superior smile that came to Henderson's lips was not surprising as he said:

"Well, how do you account for that? Spiritualism?"

"Oh no; it's time's perspective."

"Time's perspective?" Henderson repeated, in a tone that he would have used to a confused counsellor at the bar.

"Yes." Prentice, turning to him, realized the difficulty of conveying his idea in words alone. "I'll

have to illustrate my meaning." He walked toward the side-table, above which hung one of the few pictures in the room. "Here's a sunset by Rousseau. I bought it in Paris last summer. Do you see what an immense stretch of land there is in it?"

"Yes."

"A bird's-eye view of that would require a chart reaching to the ceiling. But see Rousseau's perspective. The horizon line isn't two inches from the base."

"Well?"

"Well, my dear Mr. Justice, that is the magic in the perspective of time. My boyhood's horizon is very near to my old eyes now. The dimmer they grow the nearer it comes, until I think sometimes that when we are through with it all we go out almost as we entered—little children."

Henderson was moved in spite of himself, but more by the tone of the speaker than by the nature of his subject. It was against his ideas of self-discipline to encourage feeling of this kind, so, at a loss for a fitting reply, he walked toward the picture, affecting an interest in its artistic merit.

"A very beautiful painting, Mr. Justice—a Russell, you say?"

"A Rousseau."

"Oh!"

"Yes," said Prentice, throwing off his reflective mood, "it cost me three thousand only; and a funny thing about it: the canvas just fitted into the top of my steamer trunk. It came through the custom-house without a cent of duty. I completely forgot it."

"Your memory isn't so retentive, then, as it seems."

"Not on those commercial matters." Prentice joined heartily in the laugh against himself.

The servant crossed the room with Justice Henderson's coat on his arm. In doing so it brushed from the table where the men had been playing a small object which fell to the floor with a metallic sound.

"You dropped your tobacco-box, I think," Prentice said, as the servant was assisting Henderson with his overcoat.

"No, I think not." Henderson patted his coat-pocket to make sure.

"It was this picture, sir," the servant explained, lifting the fallen object from the floor.

"My gracious, my gracious, it might have been broken!" exclaimed Prentice. He took the picture tenderly from the man.

"Oh, it often falls when I'm dusting, sir," remarked the servant.

"Oh, does it?" ejaculated Prentice, in unfeigned surprise, as the servant left the room. "Well, I'll put it away.... An ivory miniature by Wimar." With the caress of a connoisseur he handed the picture to Henderson. "I prize it highly. Old-fashioned portrait—see—gold back."

"A beautiful face."

"Isn't it—isn't it?"

"Very. What a peculiar way of combing the hair—long, and over the ears." Henderson pantomimed the process with a gesture comically unfeminine.

"The only becoming way women ever wore their

hair. I think the scrambly style they have now is disgraceful."

"Your mother, Mr. Justice?"

"Oh, dear, no; a young girl I used to know. Oh, don't smile—she's been dead a good five-and-twenty years—married and had a large family."

"Very sweet—very sweet indeed."

"Isn't it? And see the bodice, too—how pretty!—the mammillar bands, you see. They used to make the waists with just a piece or two of whalebone."

"How do you know, you grizzly old bach?" said Henderson, nudging Prentice playfully in the ribs.

"In Heaven's name, why shouldn't I?" Prentice laughed, holding Henderson by the elbow with one hand and placing the other affectionately upon his shoulder as he looked over at the ivory miniature. "Get out—get out! But look at it! Such suppleness and rotundity, and all that!" The two old friends regarded the picture a moment in silence, and then, as if resenting the changed conditions of his life, Prentice walked away from Henderson, who still retained the miniature.

"A year or so ago I was in Kentucky, and on my way back I stopped in Indiana for a call on Harland. He was in chambers hearing a copyright case. It seemed that a corset-maker—"

"A what?" interrupted Henderson, in pretended expostulation.

"A corset-maker," Prentice courageously repeated, "was suing some one for infringing his right to an advertisement—a picture of the Venus de Medici or Lucrezia Borgia, or some of those dear old girls, in one

of this chap's corsets. You must have seen it in the window. Well, he had his lithograph and one of his corsets in court. Do you believe me, it was made of steel and brass and buckram and all kinds of hardware?"

"Oh yes," Henderson answered, smiling; "we have them at home."

"Harland whispered to me, 'What do you think of it, Mr. Justice?' and I said, 'I thank God I'm a bachelor.'"

Their laughter was again interrupted by Prentice's servant, who entered with a card. Prentice read the name and said he would see the visitor.

"A call?" queried Henderson, when the servant had left the room.

"Yes. The man owns a picture that I've been trying to buy—a Corot."

"Oh, another of these 'perspective' fellows, eh?"

"Yes; his call doesn't surprise me, because he's been in my mind all day."

"Seems to be in a hurry for the money, coming at midnight."

"I set him the example. Besides, midnight is just the shank of the evening for Mr. Brookfield—he's supposed to be a sporting man."

Prentice coughed warningly as the servant opened the door and ushered in Jack Brookfield. It struck the Justice as he greeted his visitor that he was a trifle pale. He extended his hand cordially.

"Good-evening, Mr. Brookfield."

"You remember me, Mr. Justice?" said Brookfield, as he met the greeting.

"Perfectly. This is Justice Henderson."

"I hope I'm not intruding—" Brookfield began; but Henderson took him up.

"I'm just going, Mr. Brookfield." The Justice buttoned his overcoat and crossed to the door. Prentice followed him.

"No constitutional point about it?" Henderson made a last appeal for the Whipple case.

"None," Prentice answered, firmly.

"Good-night."

"Good-night."

As the door closed after Henderson, Prentice turned to Brookfield, who had been regarding the Rousseau.

"Have a chair, Mr. Brookfield."

"Thank you," Brookfield answered, deferentially.

Prentice indicated the side-table.

"I've some medicine here that comes directly from your city."

"I don't think I will, if you'll excuse me."

"Well, have you brought the picture?"

"The picture is still in Louisville—I'm in Washington with my niece—"

"Yes."

"And a friend of hers—a lady. They are very anxious to meet you, Mr. Justice."

"Ah!" Prentice paused. "Well, I go to the Capitol at noon to-morrow."

"To-night," Brookfield interrupted; "they're leaving the city to-morrow, as you were when I had the pleasure of receiving you."

"I remember."

Brookfield drew out his watch.

"They were to come after me in five minutes if I didn't return, and those five minutes, Mr. Justice, I hoped you would give to me."

"With pleasure."

The Justice sat down amiably, but Brookfield remained standing, thoughtfully silent, as though considering his mission. At length, with compensating positiveness, he began:

"Those two books that you sent me—"

"Yes."

"I want to thank you for them again and ask you how far you go with the men who wrote them, especially the second one. Do you believe that book?"

"Yes, I do. I know the man who wrote it, and I believe him."

"Did he ever do any of the stunts for you that he writes about?"

"He didn't call them 'stunts,' but he has given me many demonstrations of his power—and mine."

"For example?"

"For example?" Prentice paused a moment, meditating. "Well, he asked me to think of him steadily at some unexpected time, and to think of some definite thing. A few days later—in this room—two o'clock in the morning—I concentrated my thoughts —I mentally pictured him going to his telephone and calling me."

"And did he do it?" Brookfield asked, eagerly.

"No." As Prentice paused a shade of disappointment crossed Brookfield's face. "But he came here at my breakfast-hour and told me that at two o'clock he had waked and risen from his bed and walked to

his 'phone in the hallway with an impulse to call me, and then had stopped because he had no message to deliver and because he thought his imagination might be tricking him."

"You hadn't given him any tip, such as asking him how he'd slept?"

"None. Five nights after that I repeated the experiment."

"Well?"

"That time he called me."

"What did he say?"

"He said, 'Old man, you ought to be in bed asleep and not disturbing honest citizens,' which was quite true."

Both men smiled at the Justice's admission. There was a moment's silence, and then Brookfield said, in a voice that wavered between awe and amusement:

"By Jove! That's kind of harking back to the Salem witchcraft business, isn't it?"

"Distinctly," Prentice assented, "and in a measure explaining the 'witchcraft business.' Those old women of Salem were the unconscious pioneers in a new mental field. A poor, lone creature, hungry for companionship, let her thoughts dwell on some young girl of the neighborhood; the girl's thoughts answered by this inevitable law—"

"Really inevitable?"

"Really inevitable. The girl could neglect the old woman and her neighborly claim for sympathy, but when she couldn't banish the woman from her thoughts they called it witchcraft, and hanged the woman."

"It's a devilish creepy business, isn't it?" Brookfield said, after a moment's thought.

"Yes."

"And if it's so—" he continued, more to himself than to the Justice.

"And it is so," Prentice pursued.

"Pays a man to be careful what he thinks."

"It will very well pay your type of a man to do so."

"I don't want to be possessed by any of these bug-house theories, but I'm blamed if a few things haven't happened to me, Mr. Justice, since you started me on this subject."

"Along this line?"

"Yes," Brookfield answered; and then, with an air of confession, he added: "And I've tried the other side of it, too."

"What other side?"

"The mesmeric business." Brookfield involuntarily suggested the motion of the hypnotist as he said: "I can do it."

Again Brookfield felt the steadiness of the old man's gaze. He met it just as steadily as he found himself wondering which of his thoughts his silent inquisitor was reading. After a moment of this telepathic interrogation, as Brookfield construed it, the Justice leaned forward on the table.

"Then I should say, Mr. Brookfield, that for you the obligation of clean and unselfish thinking was doubly imperative."

"Within this last year I've put persons—well, practically asleep in a chair, and I've made them tell me what a boy was doing a mile away, in a jail."

Mr. Brookfield, is ill in some manner who lives habitually on a lower level than that of the light he sees."

The servant announced that two ladies were in the reception-room below.

"Your friends?" Prentice asked Brookfield.

"I think so."

"Yes, sir," the servant volunteered.

"Ask them to come up." The Justice rose and took a tumbler from the table. "I'll put away Justice Henderson's glass," he said, in explanation of his act.

"They're Kentucky ladies, Mr. Justice."

"But I don't want any credit for a hospitality I haven't earned."

XI

AS the two ladies came into the room, Viola was slightly in advance of Helen. Jack took her hand and presented her to the Justice. As he turned to Helen, she said:

"One moment, Jack; I prefer to introduce myself."

Justice Prentice desired the ladies to be seated.

"You are not a married man, Justice Prentice?" Helen began, interrogatively.

There was a tone of tender regret in the voice of the old Justice as he answered, quietly

"I am not."

"But you have the reputation of being a very charitable one."

"That's pleasant to hear."

Prentice resumed his chair opposite to that in which Helen had seated herself. Brookfield stood by the table, slightly out of the Justice's range of vision, reassuringly holding Viola's hand. He knew by her trembling that the girl was in an agony of apprehension.

"What charity do you represent?" Prentice asked, by way of an opening.

"None. I hardly know how to tell you my object."

"It's a personal matter, is it?" Prentice looked to Brookfield to help him out.

"Yes, a very personal matter, Mr. Justice."

"I have here," said Helen, "an autograph-book."

Again Prentice looked at Brookfield with a slight, amused smile. "I usually sign my autograph for those who wish it at the—"

"I did not come for an autograph, Justice Prentice," Helen broke in, tremulously; "I have brought one."

"Well, I don't go in for that kind of thing very much—I have no collection. My taste runs more toward—"

"The autograph I have brought is one of yours written many years ago. It is signed to a letter." Helen offered the book. "Will you look at it?"

"With pleasure," Prentice replied, adjusting his glasses. "Is this the letter?"

Helen nodded.

The Justice read aloud: "'*June 15, 1860.*' Dear me, that's a long time ago. '*My dear Margaret,—The matter passed off satisfactorily—a mere scratch—Boland apologized.—Jeff.*'. . . What is this?"

"A letter from you."

Prentice himself showed agitation both in voice and face as he repeated the words:

"'*My dear Margaret . . . 1860.*' Why, this letter—was it written to Margaret—?"

"To Margaret Price," Helen affirmed, in a voice almost inaudible with emotion.

"Is it possible? Well, well!" Prentice looked dreamily at the miniature lying on the table before

him. "I wonder if what we call coincidences are ever mere coincidences. Margaret Price! Her name was on my lips only a moment ago."

"Really, Mr. Justice?" Brookfield asked, his heart taking unreasonable hope from the circumstance.

"Yes. Did you know Margaret Price?"

Brookfield turned to Helen as he answered in the affirmative. Prentice's gaze followed Brookfield's, and in response to his look more than to his words Helen said:

"She was my mother."

"Margaret Price was—?"

"Was my mother."

The old Justice leaned back in his chair; over his face there passed in turn astonishment, perplexity, tenderness.

"Why, I was just speaking of her to Justice Henderson, who went out as you came in—you remember?"

He appealed with animation to Brookfield, who nodded assent. His audience of three hung almost breathlessly on his words.

"Her picture dropped from the table here—this miniature." He took the ivory portrait in his hand affectionately. "Margaret Price gave it to me herself. And you"—his tender old eyes lifted to Helen's, his voice trembled and dropped to a lower key—"and you are her daughter?"

"Yes, Mr. Justice."

"Yes, yes; I can see the likeness. At twenty you must have looked very like this miniature." He handed the portrait to Helen.

"I have photographs of myself that are very like this," Helen said, handing the picture to Jack. As he and Viola studied it together, Helen turned to the Justice, pursuing the topic that had begun so auspiciously.

"And you say you were speaking of her just now?"

"Not five minutes ago."

"What were you saying of her?"

Brookfield put the miniature down on the table and waited for the answer. The Justice hesitated strangely, but once launched on his confession he spoke rapidly.

"Well, I was saying that the old bodices were a more civilized article of apparel than the modern substitute for them, madam. Don't you agree with me?"

"I don't think it an important question, Mr. Justice," Helen returned, without coquetry, yet in a tone that implied appreciation of the pleasantry suggested by the comparison.

"I trust you don't think it an impertinent one?" The courtly old Kentuckian was on his feet immediately with a gesture of deference both to Helen and Viola that would have disarmed any inclination to criticism.

"Oh no," Helen hastened to assure him.

"But be seated, please," the Justice urged Viola, who was still standing by her uncle. "I am really delighted that you called—delighted." The old man beamed.

"Even at such an hour?" Helen ventured.

"At any hour." The tender sincerity of his voice was unmistakable. "Margaret Price was a very dear

friend of mine. And to think you are her daughter!" Prentice took the autograph-book from the table again, scanning the note which more than filled the first page of the paper. "And this letter — 1860! What's this?" He had turned a leaf.

"Oh, don't touch that!" Helen exclaimed, half rising as she did so; "it will break. It's only a dry spray of mignonette pinned to the note when you sent it."

"A spray of mignonette," Prentice repeated, musingly. He half lifted the volume of Bret Harte from which he had read to Justice Henderson earlier in the evening.

"It was my mother's favorite flower and perfume," Helen explained.

"I remember." The Justice's expression relaxed in baffled weariness. He turned to Brookfield. "Well, well, this is equally astonishing!"

"Do you remember the letter?" Jack asked him.

"Perfectly."

"And the circumstance it alludes to?" Brookfield's voice almost shook with eagerness.

"Yes," Prentice, answered simply; "it was the work of a romantic boy." Turning to Helen, he said: "I—I was very fond of your mother, Mrs.—" He paused in an attempt to recall her name; then remembering that he had not heard it, said, pleasantly, "By-the-way, you haven't told me your name."

"Never mind that now," Helen begged; "let me be Margaret Price's daughter for the present."

"Very well," Prentice agreed. He returned to the subject of the letter, addressing all three of his visi-

tors. "This was a little scratch of a duel—they've gone out of fashion now, I'm thankful to say."

"Do you remember the cause of this one?" Helen asked.

"Yes. Henry Boland had worried Margaret some way. She was frightened, I think, and fainted."

"And you struck him?"

"Yes, and he challenged me."

"I've heard mother tell it. Do you remember what frightened her?"

"I don't believe I do—does the letter say?" Again the Justice turned to the book.

"No," said Helen, evidently anxious to distract his attention from the book. "Try to think."

"Was it a snake or a toad?" the Justice pondered.

"No—a jewel."

"A jewel? I remember now—a cat's-eye—a cat's-eye jewel, wasn't it?"

"Yes, yes, yes." Helen covered her eyes with her handkerchief and bowed her head upon the table.

Viola came to her side in a surge of sympathy and laid her hand gently on Helen's shoulder.

Justice Prentice was at a loss to understand the cause of her sudden tears. Had he inadvertently touched some ancient wound?

"My dear madam, it seems to be a very emotional subject with you," he said, tentatively.

"It is." Helen raised her wet eyes to his face. "I've hoped so you would remember it. On the cars I was praying all the way that you would remember it, and you do—you do." Helen leaned over the table pleading, eager, straining for his answer.

"I do—yes," he assured her.

"Compose yourself, dear," Viola whispered to Helen, her arms about her; "remember what depends on it."

"It is evidently something in which I can aid you," Prentice said, gently.

"It is. And you will?"

"There is nothing I would not do for a daughter of Margaret Price. You are in mourning, dear lady; is it for—?"

"For my son."

The Justice turned apologetically to Jack, as if he would spare her.

"How long has he been dead?"

"He is not dead, Justice Prentice!" Helen cried, her voice rising with emotion. "My boy, the grandson of Margaret Price, is under sentence of death." She rose from her chair.

"Sentence of death!" In a moment Justice Prentice had recovered the judicial mantle of his office and was on guard.

"Yes; I am the mother of Clay Whipple—"

"But, madam—"

"He is to die. I come—"

"Stop!" Prentice commanded, sternly. "You forget yourself." He retreated with great gravity toward the door of his private apartment. "The case of Whipple is before the Supreme Court of the United States. I am a member of that body—I cannot listen to you."

"You must." Helen followed him.

"You are prejudicing his chances," Prentice went on, imperatively rather than in explanation; "you

are making it necessary for me to rule against him." And then in a tone of more human appeal: "My dear madam, for the sake of your boy, do not do this. It is unlawful—without dignity or precedent." He turned upon Brookfield, whom he evidently held responsible for this painful interview. "If the lady were not the mother of the boy, I should call your conduct base."

"But she is his mother," Viola interjected.

"And, Justice Prentice, I am the daughter of the woman you loved," Helen said.

"I beg you to be silent." The Justice put his hand on the door-knob.

"Won't you hear us for a moment?" Jack temporized, feeling that the opportunity they had counted on so much was slipping from them.

"I cannot—I dare not. I must leave you."

"Why?" The question came from Viola.

"I have explained," the Justice hurried on, in his indignation; "the matter is before the Court—for me to hear you would be corrupt."

"I won't talk of the question before your Court." Helen's intuition seized the one possible plea for a hearing. "That, our attorneys tell us, is a constitutional point."

"That is its attitude."

"I will not talk of that. I wish to speak of this letter."

"You can listen to that, can't you, Mr. Justice?" Jack pleaded.

Prentice paused and surveyed his visitors: Brookfield, manly, straightforward, sincere; Viola, tremblingly expectant and suppliant; Helen, in an anguish of

suspense, her frightened face so wonderfully like one he remembered.

"Do you hope for its influence indirectly?" he asked, coming back into the room.

"No. Sit down, Justice Prentice, and listen to me. I will talk calmly to you." Helen resumed her place at the table; Viola joined her, standing with her arms about her—the two women making a picture that moved the old Justice more than he would have cared to confess.

"My dear madam," he said, "my heart bleeds for you." Then to Brookfield: "Her agony must be past judicial measurement."

"Only God knows, sir."

There was a moment's silence before Helen again turned to the Justice.

"You remember this letter, Mr. Justice—you have recalled the duel?"

Prentice bowed.

"You remember, thank God, its cause."

"I do."

"You know that my mother's aversion to that jewel amounted almost to an insanity?"

"I remember that."

"I inherited that aversion. As a child the sight of one of them would throw me almost into convulsions."

"Is it possible?"

"It is true. The physicians said I would outgrow the susceptibility, and in a measure I did. But I discovered that Clay had inherited the fatal fear from me."

"You can understand that, Mr. Justice," Brookfield declared, anxiously.

"Medical jurisprudence is full of such cases. Why should we deny them? Is nature faithful only in physical matters? You are like this portrait. Your voice *is* that of Margaret Price. Nature's behest should have embraced also some of the less apparent possessions, I think."

"We urged all that at the trial," Jack submitted, "but they called it invention."

"Nothing seems more probable to me."

"Thank you," Helen said, in deepest gratitude, hard put to it to restrain her tears of relief. "Well, as I was saying, Clay, my boy, had that dreadful and unreasonable fear of the jewel. I protected him as far as possible. But one night a year ago some men, companions, finding that the sight of this stone annoyed him, pressed it upon his attention. He didn't know, Mr. Justice, he was not responsible." Helen's fingers locked and unlocked in her agony. "It was insanity; but he struck his tormentor, and the blow resulted in the young man's death." Unconsciously she rose and extended her hands in dramatic appeal to the Justice.

"Terrible—terrible!" he whispered, painfully attentive.

"My poor boy is crushed by the awful deed. He is not a murderer—he was never that—but they have sentenced him, Mr. Justice; he is to die." Helen's rising tone ended in one heart-broken sob. She staggered toward the Justice, who had himself risen from his chair, drawn by an involuntary impulse to her

aid, but Brookfield was before him and took her in his arms.

"Helen, dear—Helen"—Brookfield sought to comfort her—"remember how much depends on you—try to compose yourself."

"You promised," Viola reminded her.

Helen became conscious of the voice of Justice Prentice speaking in judicial tones to Jack, and of Jack's rejoinders.

"All this was ably presented to the trial Court, you say?"

"By the best attorneys."

"And the verdict?"

"Still was guilty. But, Mr. Justice, the sentiment of the community has changed very much since then. We feel that a new trial would result differently."

The mention of a new trial reminded Helen of her own part—she heard her own voice speaking to the Justice.

"When our lawyers decided to go to the Supreme Court, I remembered some letter of yours in this old book. Can you imagine my joy when I found the letter was on the very point of this inherited trait on which we rested our defence?"

"We have ridden twenty-four hours to reach you," Jack said. "The train came in only at ten o'clock."

"Oh, Mr. Justice, you are not powerless to help me!" Helen was alive with new hope and joy—the man into whose deep eyes she looked was responding to her appeal. "What is an official duty to a mother's love, to the life of my boy?"

"My dear, dear madam, that is not necessary, be-

lieve me. This letter comes very properly under the head of new evidence." In the most matter-of-fact manner of which he was at the moment capable, Prentice turned to Brookfield. "The defendant is entitled to a rehearing on that."

"Mr. Justice—Mr. Justice!" Helen exclaimed, almost beside herself with joy.

"There—there." Again Viola's arms were about her.

"Of course that isn't before us," Prentice explained, "but when we remand the case on this constitutional point—"

"Then you will—you will remand it!" cried Helen.

"Justice Henderson had convinced me on that point to-night, so I think there is no doubt of the decision."

"You can never know the light you let into my heart."

Viola returned to her the handkerchief which had marked the page in the autograph-book. Helen closed the book with the handkerchief in its place.

"What is that perfume?" Prentice asked, as she did so. "Have you one about you?"

"Yes, on this handkerchief."

"What is it?"

"Mignonette."

"Mignonette?"

"A favorite perfume of my mother's. This handkerchief of hers was in the book with the letter."

"Indeed!" Prentice inhaled slowly. His eyes were moist, and in them there was a haunted look of tender memory.

"Oh, Mr. Justice, do you think I can save my boy?"

Prentice turned to Brookfield.

"On the rehearing I will take pleasure in testifying myself as to this hereditary aversion and what I knew of its existence in Margaret Price."

"May I tell the lawyers so?" Jack asked, eagerly.

"No. They will learn it in the court to-morrow—they can stand the suspense. I am speaking comfort to the mother's heart."

"Comfort!" echoed Helen; "it is life."

"Say nothing of this call, if you please—nothing to any one."

"We shall respect your instructions, Mr. Justice," Brookfield answered for all; and then explained: "My niece, who has been with Mrs. Whipple during this trouble, is the fiancée of her son — the boy lying in jail."

Prentice took Viola's hand in both his own. "You have my sympathy, too, my dear."

"Thank you."

"And now, good-night."

"Good-night." Viola joined her uncle Jack at the door; both turned, waiting for Helen.

"Good-night, Justice Prentice," she was saying. "You must know my gratitude—words cannot tell it."

"Would you do me a favor?" he said.

"Can you ask it?"

"If that was the handkerchief of Margaret Price, I'd like to have it."

Helen lifted the folded square of antique lace from the book; she put it in the extended hand of Pren-

tice. Some expression of gratitude formed in her mind; some allusion to the handkerchief as a memento; some thought of the mother who had owned it, but no words would come. There are seas upon which we do not venture small boats, there are emotions in which language cannot live. Helen turned to Brookfield and Viola, and went from the room without looking back.

The Justice, left alone, stood for a moment looking at the folded handkerchief in his hand. He spoke aloud.

"Margaret Price. . . . People will say that she has been in her grave five-and-twenty years"—he picked up the miniature from the table—"but I'll swear her spirit was in this room to-night and directed a decision of the Supreme Court of the United States."

From a distant belfry there came the stroke of two.

Prentice lifted the handkerchief to his face—

"'The delicate odor of mignonette,
The ghost of a dead and gone bouquet,
Is all that tells of her presence—yet
Could she think of a sweeter way?'"

XII

THE Brookfield party returned to Louisville, Helen, Viola, and the attorneys greatly excited: Helen to a tearful degree of hope and exaltation; Viola's spirit like a pinioned bird suddenly set free; the attorneys stimulated by their victory, and anxious to retrieve cause and reputation in a second trial; Brookfield sharing all these emotions, but additionally stirred to the centre of his being by his experience in Prentice's library and the utterances of the Justice. One comment in particular frequently recurred:

"Then I should say, Mr. Brookfield, that for you the obligation of clean and unselfish thinking was doubly imperative."

Brookfield was aware of the threatening paralysis of too much self-examination, aware also that of late he had been dangerously given to an introspective habit. Yet he further indulged it in the light of Prentice's warning, in order to ascertain to his moral satisfaction the character of his thinking. Was it clean? Was it sufficiently unselfish?

And that sudden cure of his headache? Reports and pretended records of all demonstrations of that kind had found no receptive faith in him. What explained it?

That he could question a negro boy whose objective faculties were inhibited by hypnosis and get from that boy a reading of another person's thoughts he had demonstrated to himself and to a scientific adviser. That the subjective mind of the negro boy was in communication directly and indirectly with other minds, through channels of affinity previously and variously established, was probable. For similar phenomena such was the scientific explanation by the most advanced students of the subject. Brookfield himself was prepared to believe that an individual subjective mind set free from its objective custodian by hypnosis was in flowing communication with the common subjective mind of humanity. But to explain or even grant the purposive projection of a thought puzzled him. It was easy for him, at this stage of his special education, to admit that Prentice's author friend had read the thought of the Justice, in which was held a picture of the author going to his telephone; easy to understand that such reading had suggested the action to an inert sleeper; but that a thought could be projected and be a compelling order was more than startling—it was intellectually revolutionary.

Yet there was the fact of his own headache being banished at command! What accomplished that, if it was not a projected force? Yet if a force, what was the means of its communication? For Brookfield could imagine no force transmitted except through a material vehicle or medium. But assume a medium; assume the medium to be the ether—that predicated, interplanetary, intermolecular, all-penetrating sub-

stance. Assume that medium, or suppose still another and finer ether, devoted to the transmission of thought alone. What stirs its atoms? What agitates and propels them in seeming currents or directions?

Brookfield related the headache incident to Dr. Monroe. That gentleman said: "A cure by suggestion." But this explanation Brookfield refused. He admitted a degree of susceptibility to suggestion in every person, but susceptibility permitting an instantaneous cure of a headache would be most abnormal. He also combated the implication of hypnosis which Monroe offered in his inquiries as to whether the Justice had looked at him steadily during the interview, had established any monotony of tone, and the like.

Brookfield had not been hypnotized into relief. That explanation was untenable.

The more he considered it the more convinced he became that there must exist a mental force that is dynamic—a force that certain minds can consciously direct. What was the character of a mind capable of commanding this power? What was its essential endowment? What was the needed degree of development?

Brookfield had never before knowingly met such a man as Prentice. Could that uncanny power of his be cultivated in other men? Imagine it in the hands of one vicious or criminally disposed! Brookfield felt that he, like Hamlet, could accuse himself of such things that "'twere better his mother had not borne him"; yet his own power as a hypnotist had been cul-

tivated and perceptibly increased, and at the cost of only a little greater tension, resulting, perhaps, in a trifling recurrence of his headaches.

Again he recalled a remark by the Justice: "The investigation constantly opens new mental heights, and every man is ill in some manner who lives habitually on a lower plane than that of the light he sees."

Did the answer to his fear of the power in improper hands lie in that explanation of Prentice's? Did the power come only to men who lived up to their highest light, and, if once acquired, did it desert them when they willingly and habitually abandoned their standard?

The thought of this possibility influenced Brookfield. He formed no resolutions as to plainer living, or higher thinking, but the presence of the idea itself acted as a constant monitor. One by one indulgences were foregone; unwholesome topics were dismissed from conversation and from mind; a conscious tonic, physical and mental regimen was gradually established.

One evening after dinner Brookfield was in the library with the ladies. Viola and her mother were quietly discussing some intricacy of knitting; Helen was endeavoring to interest herself in a magazine. Brookfield sat in a big sofa by the fireplace. A grate of gleaming anthracite was shaping and reshaping faces in its bed, as it always did for him. He had an impulse to call Helen's attention to these pictures, and he foresaw with unusual distinctness, even for him, the position he would like her to take beside him on the sofa—leaning forward as he pointed out the faces in the coals, one elbow on her knee, her chin in the

supporting hand. At that moment Helen laid the magazine she had been reading on the table, came over to his side, and assumed the position he had mentally seen her take.

"What are you looking at, Jack?"

Her very words stepped Indian fashion into the mental footprints of his thoughts.

Brookfield answered her, tracing the wavering forms in the fire, and speaking in an easy and natural undertone; but his thoughts were busy with the strange coincidence that had just occurred. That there was any dynamic force in his own thinking, nothing as yet demonstrated. The events of the last few moments, however, were suggestive of experiment.

"Would it astonish you, Helen, if Viola were to put down her work and come over here?" Brookfield asked, in a voice audible to Helen only.

"No. Would it astonish you?"

"Suppose that, instead of perching on the arm of the sofa beside you, which would be the girlish and natural thing to do, she came behind us both; that she then put her right hand over your shoulder and her left hand on my head—would that astonish you?"

"If you tell me she is going to do it, the accuracy of your prevision would astonish me."

"I think she's going to do it."

"I think she isn't," Helen bantered.

"But that isn't the game," Jack explained; "you, too, must dramatize her doing it." And again he described the action.

Helen felt an uncanny creeping of the flesh as Viola, before Jack had ceased speaking, laid aside her needle-

work and rose to her feet. The girl looked around uncertainly, crossed the room, and stood behind the sofa.

"Am I interrupting?" she asked.

"Not at all, my dear," Helen answered.

Viola put her right arm about Helen's neck. There was a moment's pause; then she lifted her left hand and caressingly stroked her uncle's head.

Helen gasped, and was about to exclaim, when Jack, with finger on his lips, objured her to silence.

The second trial of Clay Whipple began under more intelligent direction for the defence than the first trial had displayed, although conducted by the same attorneys. A sustained endeavor was made to secure a jury of men of sufficient imagination, if not of sufficient information, to conceive the possibility of transmitting a mental idiosyncrasy from one generation to another.

Hardmuth, because of his full knowledge of the case, had been specially appointed in charge for the State. His attempts to get an unsympathetic and matter-of-fact jury were as persistent as the efforts to the contrary of the defence. The result was the selection of twelve men not all of whom were satisfactory to either side, and from whom the defence anticipated at best but a disagreement.

The greater publicity that the elapsed interval had contributed to the case, together with the closer attention that both sides had given to the selection of the jury, had prolonged that part of the proceedings. The days so occupied were not altogether unhappy

ones for the women who loved the defendant. They were with him now in surroundings less depressing than those in the jail. They were in the presence and in the company of men of intelligence, the majority of whom were sympathizers, and the strongest and best of whom were advocates of their cause.

Moreover, the mere machinery of the law no longer terrified the women related to the prisoner. Their interest, of course, made them unreliable judges of the value of any bit of testimony; their fears exaggerated the menace; their sympathies distorted favorable utterances; but they had a consoling realization that much of the proceedings was in their favor. The presence of a Justice of the Supreme Court of the United States among the witnesses for the defence gave dignity to that side, and at once lifted its principal from the condition and color of a malefactor at bay, endeavoring to escape the just penalty of the law, to the position of an unfortunate prisoner presumably innocent and whom to prove guilty was the task of the State.

That portion of the South that lies east of the Mississippi has a reverence for lineage that is unknown elsewhere in America, with perhaps the exception of Boston. Through the other fields of the nation the current of life has flowed with a swiftness and a freedom that have made attention to pedigree a retarding and unprofitable digression from the general progress. In Dixie and in Boston, however, the movement has been rotary rather than progressive. In the Southland especially it is impossible to be widely introduced without meeting somebody cousin to

the sponsor. Family connection is a weighty consideration. Parents of distinction are computable assets even when dead. Notable grandparents compound in value of almost geometrical increase. That the prisoner's maternal grandmother had been a sweetheart of a man since advanced to the supreme bench was a recommendation of considerable import to several members of the jury. That his singular aversion to the cat's-eye had been also hers, and that the grave and dignified and distinguished legal gentleman before them had fought a duel shielding that sensitiveness in a lady from a rude and stupid approach not unlike that from which the prisoner had defended himself, was of tremendous weight.

Hardmuth brought all his batteries to bear upon this witness. He put into play every art and trick and resource that his intelligence and his experience had developed, and his efforts were not entirely ineffectual with the jury.

During this second trial, except when testifying or advising with the attorneys, Brookfield was noticeable for his absence from the court-room. There were those who attributed this to his possible belief that the friendship of an ex-gambler would not be helpful to the accused. Had this been Brookfield's opinion it would not have been well founded. As a gambler his reputation had been that of a square one, and in all contests, whether in sporting, financial, or political circles, Jack Brookfield was known as a consistent advocate of fair play. Furthermore, in the year and a quarter that had passed since the killing of Denning, Brookfield had taken an increasing inter-

est in politics. His wide acquaintance, his personal magnetism, and his ample means had made of him a factor of influence and consequent power. There was more than one man on the jury to whom the friendship of Brookfield might be valuable.

Brookfield's absence from the court-room was due to an incident of which he had made no report to any one. Near the finish of his own testimony he had chanced to glance along the double row of faces in the jury-box. The glance had been casual enough in the beginning, but as it encountered the gaze of one of the men Brookfield had felt an involuntary arrest of his attention. A like happening has come to every one at some time. Eyes confront eyes with inexplicable recognition—the *vis-à-vis* is a stranger, and there is on either side no question of that fact, yet the gaze of both halts in the passing with silent salute or challenge. Each look says: "Well, what is it you wish of me?" Though Brookfield held the gaze of the juror for less than a second, he felt that if prolonged the interchange would develop into one of those optical duels that end in self-consciousness and sometimes irritation and anger. There was a slight show of color in the temples of the other man before Brookfield, tactful as he was, could move on with his glance, accepting for himself the part of retreat. In a later survey of the men he was careful so to time and distribute his regard that this particular juror should not feel any exception in his case. Yet, impartial as was the disposition of time, there was a quality in this man's look that made Brookfield aware that their minds as well as their eyes had met.

When Brookfield left the court-room, as he did soon after, he refrained from looking back at the jury. He was conscious, through some subtle sense, that the man was again looking at him, and he preferred that no spectator should note a second exchange of glances between the juror and himself.

In consequence of this incident Brookfield was away from the court-room during the period of Prentice's examination, although he would have liked to hear the old Justice testify and to see the effect of his testimony. Prentice and Brookfield had been in each other's company the greater part of the time since the Justice had arrived in Louisville on his present mission. They had talked much of the case, and Prentice's opinions, as Brookfield had reported them to Clay's counsel, had affected to some extent the conduct of the case.

When, in turn, his examination was finished, Prentice came at once to Brookfield. He was not inclined to minimize the value to the defence of the appearance of a man of his position, but he reported a disturbing estimate of the counteracting influence of Hardmuth. There was, in his opinion, among the counsel for Whipple no such dominating mind as Hardmuth's—no man so capable of influencing other men by his mere personality, independently of his contentions. As one of wide experience in trial procedure and long practice in reading human nature, Justice Prentice was fearful of the verdict. He feared Hardmuth's effect upon the jury when he should come to his argument. Furthermore, there was added to Hardmuth's personal strength the momentum of

an increasing position in the public opinion; he was realizing Brookfield's predictions of success in politics. He was not only a district attorney by appointment, but he was the man most generally discussed as his party's nomination for governor. A murder trial is a contest in which every factor weighs, and none more than the importance of attorneys.

The Justice's fears quickly communicated themselves to Brookfield. If these various considerations in Hardmuth's personal favor, as well as the facts in the case itself, were to weigh with the jury, it was plainly Brookfield's duty to reduce Hardmuth's popularity at any cost.

Clay's life was at stake.

"I've tried to fight in the open, Mr. Justice, and to stoop to nothing for which any of us might be ashamed hereafter, or I could have crushed that fellow Hardmuth ere this," Jack said.

"Crushed him?"

"As easily as you'd crush a beetle by treading on it."

"But if, as you say, the means were unfair—"

"Only as telling on a fellow is unfair when you know something that's against him."

"Something told you in confidence?"

"Not by him. Yes, sir—it would have crushed Hardmuth if I'd printed what I know of him, and as a citizen I believe I owe it to the public to tell it. I'm sorry I have put it off until too late."

"Is it too late, Mr. Brookfield? He hasn't begun his concluding speech. What is the nature of your charge against him?"

Brookfield looked at his watch.

"It may be a kindness to you, Mr. Justice, to leave you entirely out of this. Did you come back in the automobile?"

"Yes; it's at the door."

"I'm going to be rude enough to ask you to find your own way to your hotel."

"No rudeness whatever, Mr. Brookfield. I see that your time is valuable."

Brookfield ran hurriedly down-stairs, taking from the rack as he passed it his overcoat and hat. As he slammed the door of the limousine, he said to the chauffeur:

"The *Courier-Journal!*"

XIII

IT was night. Brookfield sat alone in his library deeply enveloped in thought. The only illumination in the room was from the fireplace and a small lamp on one of the side-tables. The old darky, Uncle Harvey, entered apologetically.

"Marse Jack?"

"Well, Uncle Harvey?" Brookfield looked at him.

"'Scuse me, suh, when you wants to be alone, but I'se awful anxious myself. Is dey any word from the co't-house?"

"None, Uncle Harvey."

"'Cause Jo said Missus Campbell had done come in, an' I thought she'd been to the trial, you know."

"She has." An earnestness came into Brookfield's manner. "You're not keeping anything from me, Uncle Harvey?"

"'Deed no, suh. An' I jes' like to ask you, Marse Jack, if I'd better have de cook fix sompun to eat—maybe de other ladies comin', too?"

"Yes, Uncle Harvey; but whether they'll want to eat or not will depend on what word comes back from that jury."

"Yes, suh."

Uncle Harvey left Brookfield moodily pacing the floor. The report of his sister's return and her fail-

ure to come to him were disturbing. He had about determined to go in search of her when Mrs. Campbell entered the room.

"Jack!" she said, in a tone of mingled astonishment and reproof.

"Well?"

"Why are you here?"

"Well"—Brookfield hesitated—"I live here." Full seriousness was wellnigh impossible to Jack in most conversations with his sister.

"But I thought you'd gone to Helen and Viola," Mrs. Campbell rebuked him.

"No."

"You should do so. Think of them alone when that jury returns, as it may at any moment, with its verdict."

"The lawyers are there, and Lew Ellinger is with them."

"But Helen—Helen needs you."

"I may be useful here."

"How?"

"There's one man on that jury that I think is a friend."

"One man?"

"Yes."

"Out of a jury of twelve."

"One man can stop the other eleven from bringing in an adverse verdict, and this one is with us."

"Would your going to Helen and Viola in the court-house stop his being with us?" The tone was a trifle acrimonious.

"Perhaps not," Jack answered, tranquilly, "but it would stop my being with him."

"What!" Mrs. Campbell looked about the room in a possible search for the juror. "I don't understand you."

"Justice Prentice told me," Jack explained, impressively, "that he could sit in his room and make another man get up and walk to the telephone and call him by simply thinking steadily of that other man."

"Superstitious people imagine anything," Mrs. Campbell commented, scoffingly.

"Imagine much—yes; but this isn't imagination."

"It's worse, Jack; I call it spiritualism." It would be difficult to get more disapproval into a single speech than Mrs. Campbell's tone and manner crowded into this.

"Call it anything you like," Jack answered, placidly: "spiritualism or socialism or rheumatism—it's there. I know nothing about it scientifically, but I've tried it on and it works, my dear Alice—it works."

"You've tried it on?"

"Yes."

"With whom?"

"With you." Jack sat—Mrs. Campbell gasped. Some unwarrantable liberty had been taken with her personal rights. The pause that followed her gasp was ineffective because her attention was divided between inquiry and inventory. Curiosity triumphed as she said, interrogatively:

"I don't know it if you have?"

"That is one phase of its terrible subtlety."

"When did you try it on?"

"That night a month ago when you rapped at my door at two o'clock in the morning and asked if I was ill in any way?"

"I was simply nervous about you," Mrs. Campbell spluttered, defensively.

"Call it 'nervousness' if you wish to, but that was an experiment of mine—a simple experiment."

"Oh!" Indignation and incredulity commingled in the single note.

"Two Sundays ago," Brookfield continued, "you went right up to the church door, hesitated, and turned home again."

"Lots of people do that—"

"I don't ask you to take stock in it, but that was another experiment of mine. The thing appeals to me. I can't help Helen by being at the court-house, but, as I'm alive and my name's Jack Brookfield, I do believe that my thought reaches that particular juryman."

"That's lunacy, Jack, dear." Mrs. Campbell began commiserating her brother.

"Well, call it 'lunacy'—I don't insist on rheumatism."

"Oh, Jack, the boy's life is in the balance. Bitter, vindictive lawyers are prosecuting him, and I don't like my big, strong brother, who used to meet men and all danger face to face, treating the situation with silly mind-cure methods hidden alone in his rooms." Mrs. Campbell, with an embracing gesture, made an exhibit of Brookfield and his surroundings. "I don't like it!"

"You can't acquit a boy of murder by having a strong brother thrash somebody in the court-room. If there was anything under the sun I could do with my physical strength I'd do it, but there isn't. Now, why not, if I believe I can influence a juryman by my thought—why not try?"

His sister turned from him with a sigh of hopelessness as Jo entered from the hallway. Jo's manner was agitated.

"Well?" Brookfield inquired, sharply.

"Mistah Hardmuth."

"Frank Hardmuth!" Mrs. Campbell exclaimed, in her astonishment.

"Yes'm," Jo assented.

"Here's one of the 'bitter, vindictive' men you want me to meet face to face. Now, my dear Alice, you stay here while I go and do it."

Mrs. Campbell's protest was prevented by the abrupt entrance of Hardmuth.

"Excuse me," he shouted, "but I can't wait in an anteroom!"

"That will do, Jo," Brookfield said to the boy.

"I want to see you alone," Hardmuth continued, threateningly. His nod toward Mrs. Campbell conveyed his objection to her presence.

"Yes," Brookfield replied to the unspoken question of his sister. He led her tenderly toward the door.

"What do you think it is?" she gasped, in suppressed anxiety.

"Nothing to worry over," Brookfield answered, reassuringly, as she left the room.

"Jack Brookfield—" Hardmuth began.

"Well?"

"I've just seen Harvey Fisher, of the *Courier*."

"Yes?"

"He says you've hinted at something associating me with the shooting of Scovil."

"Right!"

"What do you mean?" Hardmuth's angry explosion carried all the threat that was possible.

"I mean, Frank Hardmuth," Jack answered, in that deliberate calm which most of his masculine acquaintances had come to correctly estimate—"I mean that you sha'n't hound this boy to the gallows without reckoning with me and the things I know of you."

"I'm doing my duty as a prosecuting attorney."

"You are," interrupted Brookfield, "and a great deal more—you're venting a personal hatred."

"That hasn't anything to do with this insinuation that you've handed to a newspaper man, an insinuation for which anybody ought to kill you."

"I don't deal in 'insinuations.' It was a charge."

"A statement?"

"A charge! You understand English—a specific and categorical charge." Brookfield's tone was rising.

"That I knew Scovil was to be shot?"

"That you knew it? No!" The voice was rasping with contempt. "That you planned it and arranged it and procured his assassination."

The courage and character of Brookfield's answer benumbed Hardmuth for the moment. When he spoke at last the words came slowly and quietly, and rang with vibrant passion.

"If the newspapers print that, I'll kill you, damn you—I'll kill you!" The finish of the threat was in a whisper. Hardmuth's clinched fist shook in Brookfield's face.

"I don't doubt your willingness," came the metallic reply; "and they will print it, if they haven't done so already."

The insult implied in Hardmuth's belief that to threaten his life would compel him to retract what he had said stung Brookfield like a blow on the cheek. His splendid self-control deserted him for the moment just long enough to lend increasing power to the rest of his reply.

"And if they don't print it—by God, I'll print it myself and paste it on the fences!"

Hardmuth's nerve was shaken.

"What have I ever done to you, Jack Brookfield, except to be your friend?" he almost whined.

"You've been much too friendly. With this murder on your conscience you proposed to take to yourself as wife my niece, dear to me as my life. As revenge for her refusal and mine, you've persecuted through two trials the boy she loves and the son of the woman whose thought regulates the pulse of my heart—an innocent, unfortunate boy. In your ambition you've reached out to be the governor of this State, and an honored political party is seriously considering you for that office to-day."

"That Scovil story is a lie, a political lie! I think you mean to be honest, Jack Brookfield, but somebody's strung you." Hardmuth turned away.

"Wait," Brookfield commanded. "The man that's

now hiding in Indiana, a fugitive from your feeble efforts at extradition, sat up-stairs drunk and desperate, his last dollar on a case card. I pitied him. If a priest had been there he couldn't have purged his soul cleaner than poor Raynor gave it to me. If he put me on, am I strung?"

"Yes, you are," Hardmuth blustered. "I can't tell you why, because this jury is out and may come in any moment, and I've got to be there. But I can square it—so help me God, I can square it!"

"You'll have to square it."

Mrs. Campbell came in just then, and behind her Justice Prentice, a folded newspaper in one hand.

"Excuse me." Prentice apologized for the abruptness of his entrance.

Hardmuth bowed to him respectfully. "Oh, Justice Prentice!"

There was a moment's awkward hesitation before Brookfield said, with some conciliation:

"The State's attorney—Mr. Hardmuth."

"I recognize Mr. Hardmuth," Prentice answered, with dignity. "I don't salute him because I resent his disrespectful treatment of myself during his cross-examination."

"Entirely within my rights as a lawyer, and—"

"Entirely," Prentice interrupted; "and never within the opportunities of a gentleman."

"Your side foresaw the powerful effect on a local jury of any testimony by a member of the Supreme Court, and my wish to break that—"

"Was quite apparent, sir, quite apparent," Prentice answered. "But the testimony of every man is

entitled to just such weight and consideration as that man's character commends. But it is not that disrespect which I resent. I am an old man; that I am unmarried, childless, without a son to inherit the vigor that time has reclaimed, is due to a sentiment that you endeavored to ridicule, Mr. Hardmuth—a sentiment which would have been sacred in the hands of any true Kentuckian, which I am glad to hear you are not."

As Hardmuth began a reply, Brookfield interposed: "That's all!"

"Perhaps not," the prosecutor said, threateningly, as he left the room.

"My dear Mr. Brookfield," Prentice hastened to say as soon as they were freed from Hardmuth's presence, "that man certainly hasn't seen this newspaper?"

"No, but he knows it's coming."

"When I urged you as a citizen to tell anything you knew of the man, I hadn't expected a capital charge."

"What is it, Jack?" Mrs. Campbell asked, in alarm. "What have you said?"

"All in the head-lines," Jack explained, quietly; "read it." He handed the paper to his sister, and turned again to the Justice with the question:

"Is that enough for your purpose, Mr. Justice?"

"Why, I never dreamed of an attack of that magnitude. Enough!"

Mrs. Campbell exclaimed in an agony of alarm:

"Why—why did you do this, Jack?"

"Because I'm your big, strong brother—and I had the information."

"It was necessary, Mrs. Campbell—necessary," Prentice added, also assuming Brookfield's calm.

"Why necessary?"

"My poor sister, you don't think. If that jury brings in a verdict of guilty, what then?"

"What then? I don't know—"

"An appeal to the Governor for clemency."

"Well?" Mrs. Campbell prompted.

"This Governor may not grant it," Prentice explained.

"Well?"

"Then we delay things until a new governor comes in," Jack answered. "But suppose that new governor is Hardmuth himself?"

"How can the new governor be Hardmuth?"

"Nothing can stop it if he gets the nomination," the Justice replied, "and the convention is in session at Frankfort to-day, with Mr. Hardmuth's name in the lead."

"I've served that notice on them"—Brookfield indicated the paper—"and they won't dare nominate him—that is, I think they won't."

"But to charge him with murder!" Mrs. Campbell protested.

"The only thing to consider there," Prentice said to Brookfield, "is have you your facts?"

"I have."

"Then it was a duty, and you chose the psychological moment for its performance. 'With what measure you mete, it shall be measured to you again.'" The Justice turned to his agitated hostess. "I have pity for the man whom that paper crushes, but I

have greater pity for the boy he is trying to have hanged. You know, Mrs. Campbell, that young Whipple is the grandson of an old friend of mine."

"Yes, Mr. Justice, I know that." Mrs. Campbell's answer unconsciously fell into the tender tone of the Justice.

Jo's hurried entrance and his cry, "Marse Jack!" startled the occupants of the room. Mrs. Campbell, womanlike, feared the return of Hardmuth; Jack thought some bad news had come from the trial. The appearance of Helen and Viola, who followed Jo, did not momentarily dissipate this belief.

"Oh, Jack!" Helen exclaimed. She staggered, and only Jack's arms prevented her from falling.

"What is it?" he asked.

Viola, who was holding the hand of her mother, answered: "The jury returned and asked for instructions."

"Well?"

"There's a recess for an hour," Helen found voice to say. She looked toward Viola, who continued the explanation.

"The Court wished them locked up for the night, but the foreman said the jurymen were all anxious to get to their homes, and that he felt an agreement could be reached in an hour."

The reassuring voice of Prentice broke in upon their mental turmoil. "Did he use exactly those words—'to their homes'?"

"'To their homes'—yes."

"There you are," Prentice smiled to Jack.

"What is it, Jack?" Helen inquired, looking into

Brookfield's face for the answer. Brookfield, perplexed, shook his head and turned to the Justice.

"Men with vengeance or severity in their hearts," the old jurist commented, "would hardly say they were anxious to get to their homes. They say, in that case, the jury is anxious to get away, or to finish its work."

"Oh, Mr. Justice, you pin hope upon such slight things!" Helen sank into a chair. Prentice put one hand over hers in his paternal manner.

"That is what hope is for, my dear Mrs. Whipple—the frail chances of this life."

Viola, who had gone to Helen's side, turned to Brookfield. "And now, Uncle Jack, Mrs. Whipple ought to have a cup of tea and something to eat."

"Oh, I couldn't," Helen pleaded; "we must go back at once."

"Well, I could. I—I must," the young girl said to the group.

"Yes, you must — both of you," Mrs. Campbell urged.

Helen shook her head, again refusing, at which Viola asked: "You don't think it's heartless, do you?"

"You dear child!" Helen put her arms about the girl whose sympathy and companionship had been the most unwavering element in her own strength for more than a year. She kissed her tenderly and gave her to Mrs. Campbell, who led her from the library and into the dining-room, where Uncle Harvey had arranged refreshments.

"And now courage, my dear Helen," Jack comforted; "it's almost over."

"Oh, Jack, at the other trial the jury delayed just this way!"

"Upon what point, Mrs. Whipple, did the jury ask instructions?" Prentice inquired.

"Degree."

"And the Court?"

"Oh, Jack," Helen said, in returning terror, to Brookfield, "the Judge answered: 'Guilty in the first degree or not guilty.'"

"That all helps us," Prentice said.

"It does?"

Helen's answer from the Justice was a nod and one of his confident and reposeful smiles.

"Who spoke for the jury?" Brookfield inquired.

"The foreman, and one other juryman asked a question."

"Was it the man in the fourth chair, first row?"

"Yes," Helen replied.

Jack heaved a sigh of relief.

"Why?" pursued Helen.

"I think he's a friend, that's all." But there was something in the calm of Brookfield's manner implying more than his words expressed. There was also a significant interchange of looks between the old Justice and himself.

"Oh, Jack," Helen said, helplessly, "I should die if it weren't for your courage!" She rose from the sofa where she had half fallen when Viola left her and came toward Jack. Brookfield took both her outstretched hands. "You won't get tired of it," she pleaded, "will you, and forsake my poor boy and me?"

"What do you think?"

"All our lawyers are kindness itself; but you, Jack —you somehow—"

Viola returned from the dining-room, holding in her hand a crumpled note of blue paper.

"Oh, Uncle Jack, here's a note our lawyer asked me to give to you! I forgot it until this minute."

"Thank you." Jack took the note.

"Please try a cup of tea," Viola urged; but Helen absent-mindedly pushed the girl away, her own attention anxiously riveted on Brookfield, who was reading the note under the hooded electrolier which he had turned on for the purpose. Viola returned to her mother in the dining-room. Brookfield finished the note, and handed it significantly to Prentice.

"What is it, Jack?" Helen asked. "Are they afraid?"

"It's not about the trial at all."

"Really?"

"Yes."

"Why don't you show it to me, then?"

"I will—if my keeping it gives you so much alarm as that."

Jack took the note from the Justice, who had read it, and turned to Helen. "Colonel Bailey says:

"'DEAR JACK,—I've seen the paper. Hardmuth will shoot on sight.'"

"Oh, Jack—if anything should happen to you!"

"Anything is quite as likely to happen to Mr. Hardmuth." Jack took both her hands in the covering, protective manner that had become habitual with him toward Helen since the tragedy.

"But not even that. My boy has killed a man, and you, Jack—you—well, you just mustn't let it happen—that's all."

The appeal in her trembling whisper, the moisture in her eyes as she looked up at him, was the most satisfying answer that Brookfield had had during all these months to his question asked on the night of the opera—asked in the same room, and beside the table where they were now standing.

"I mustn't let it happen because—?" Jack waited.

"Because—I—couldn't bear it."

Jack bent over one of the hands he was holding and kissed it.

XIV

THE old Justice was scanning the titles of the *éditions de luxe* in their glass cases. Mrs. Campbell, with characteristic matter-of-factness, bustled in from the dining-room.

"What was the letter, Jack?"

Brookfield, still holding Helen's hand, led her toward the dining-room. He mechanically handed the lawyer's note to his sister as he passed her, saying to Helen: "And now I'll agree to do the best I can for Mr. Hardmuth if you'll take a cup of tea and a biscuit."

"There isn't time," Helen protested.

"There's plenty of time if the adjournment was for an hour."

"Jack!" Mrs. Campbell cried, explosively, the blue letter fluttering at arm's-length.

Brookfield turned, startled at the suddenness of the outcry, and, divining its cause, he implored: "Just one minute." Then gently yet firmly said to Helen: "Go, please."

Helen joined Viola in the dining-room.

"He threatens your life!" exclaimed Mrs. Campbell, interpreting the letter for him.

"Not exactly," Brookfield answered; "simply Colonel Bailey's opinion that he will shoot on sight."

"Oh—" Mrs. Campbell stamped her foot and turned impatiently to the Justice for understanding and appreciation.

"There is a difference, you know," Brookfield continued, "my dear sister—"

The entrance of Jo interrupted him.

"Well?"

"Mr. Ellinger, suh."

Lew came briskly into the room, in his hand a newspaper open and displayed.

"Hello, Jack!"

"Well, Lew!"

"Why, that's the damnedest thing—" Then, as he saw Mrs. Campbell, Lew apologized. "I beg your pardon."

"Don't, please," the lady answered: "some manly emphasis is a real comfort, Mr. Ellinger."

Lew bustled busily over to Brookfield.

"That charge of yours against Hardmuth is raisin' more he—he—high feelin' than anything that ever happened!"

"I saw the paper."

"You didn't see this—it's an extra." And Lew began to read, standing under the electrolier that Brookfield had turned on for Colonel Bailey's letter. He read, following the thrilling head-lines with his forefinger, and looking over his glasses into Jack's face as he pointed to the more sensational lines: "'The Charge Read to the Convention in Night Session at Frankfort —Bill Glover Hits Jim Macey on the Nose—Devoe, of Carter County, Takes Jim's Gun Away from Him—The Delegation from Butler Get Down on Their Stomachs

and Crawl Under the Benches—Some Statesmen Go Through the Windows—Convention Takes Recess Till Morning—Local Sheriff Swearin' in Deputies to Keep Peace in the Bar-rooms.'" Lew let the paper fall to his side and said, ominously, to Jack: "That's all you've done."

"Good," said Brookfield; and then, with a note of triumph, he added: "They can't nominate Mr. Hardmuth now."

Lew turned to Mrs. Campbell. "I've been hedgin'—I told the fellows I'd bet Jack hadn't said it."

"Yes, I did say it," corrected Jack.

"In just those words?" Lew again spread the paper under the electric light and read: "'The poor fellow who crouched back of a window-sill and shot Kentucky's governor-elect deserves hanging less than the man whom he is shielding—the man who laid the plot of assassination, the present prosecuting attorney by appointment—Frank Allison Hardmuth.' Did you say that?"

"Lew, that there might be no mistake, I wrote it!" And Brookfield brought his hand down with emphasis upon Lew's shoulder. Ellinger emitted a long whistle of prophetic consternation. Brookfield turned off the electrolier, and the light in the room fell to its usual volume.

When Ellinger could pull himself together after his astonishment he inquired:

"Is it straight?"

"Yes."

"He was in the plot to kill the governor-elect?"

"He organized it."

"Well, what do you think of that?" Lew asked of the surrounding atmosphere. "And now he's running for governor himself—a murderer!"

"Yes."

"And for six months he's been houndin' every fellow in Louisville that sat down to a game of cards!" Lew crossed to the Justice and in a confidential undertone complained: "The damned rascal's nearly put me in the poor-house."

"Poor old Lew," Jack laughed.

"Why, before I could go to that court-house to-day," Ellinger continued, "I had to take a pair of scissors that I used to cut coupons with and trim the whiskers off my shirt-cuffs." The deep indignity of this calamity as he recalled it turned the old sport toward Brookfield with something of resentment. "How long have you known this?"

"Ever since the fact."

"Why do you spring it only now?"

"Because until now I lacked the character and moral courage. I 'spring it' now by the advice of Justice Prentice, to reach that convention at Frankfort."

"Well, you reached them."

"The convention was only a secondary consideration with me," Justice Prentice said; "my real objective was this jury with whom Mr. Hardmuth seemed so powerful."

"Reach the jury?" Lew asked, not believing that he had heard correctly.

"The jury!" Jack exclaimed, in a burst of enthusiasm. Suddenly he grasped the significance of

the fact in the light of his new philosophy. "Why, of course—the entire jury; and I was hoping—hoping for one man—why, Alice—"

"Why, they don't see the papers," Lew interrupted; "the jury won't get a line of this."

"I think they will."

"You got 'em fixed?"

"Fixed? No!" Brookfield resented the question as positively as he denied the fact.

"Then how will they see it?"

"How many people in Louisville have already read that charge as you have read it?" Prentice asked.

"Thirty thousand, maybe, but—"

"And five hundred thousand in the little cities and the towns. Do you think, Mr. Ellinger, that all those minds can be at white-heat over that knowledge, and none of it reach the thought of those twelve men? Ah, no."

"To half a million good Kentuckians to-night Frank Hardmuth is a detestable thing," Jack continued, in the same strain, "and that jury's faith in him is dead."

Ellinger blinked in helpless confusion. He tried to grasp the idea, but all he could say was: "Why, Jack, old man, you're dippy!"

"Then, Mr. Ellinger, I am 'dippy' too," the Justice tice added.

"Why, do you think the jury gets the public opinion without anybody tellin' them or their reading it?" Lew asked, impatiently.

"Yes. In every widely discussed trial the defend-

ant is tried not alone by his twelve peers, but by the entire community."

"Why, blast it, the community goes by what the newspapers say!" Lew's good-nature was almost exhausted.

"That is often the regrettable part of it," Prentice admitted, "but the fact remains."

Brookfield stood silent in rapt admiration of the method of the Justice. If there was a uniform law, and he believed that he had demonstrated its existence, by which the active and aggressive thinking of one mind could affect another, and if the intensity of this effect increased as the battery of minds was strengthened by additional numbers, Brookfield believed that at the instigation of Prentice he had invoked this law at the most crucial moment of his existence, and had applied it in the most direct way possible. The value of their act grew in his estimation when he recalled his reading on the psychology of panics, of religious revivals and sentimental crusades which move like prairie-fires in their rapid communication between the units of a crowd. Despite the incredulity of Ellinger and his sister, Brookfield felt an unbounded hope in the force he had set in motion, and which at that very moment was moving with cumulative momentum upon the twelve men sitting in deliberative conference in the jury-room at the court-house. He clapped his hands, and turned to the Justice enthusiastically.

"And that is why you asked me to expose Frank Hardmuth?"

"Yes."

Jack took Mrs. Campbell's arm and started for the dining-room to communicate his new hope to Helen. He was arrested by Ellinger's comment:

"Well, the public will think you did it because he closed your game."

"Hardmuth didn't close my game."

"Who did?"

"This man." Jack, with deference and affection, pointed to the Justice.

Prentice bowed.

"Well, how the he—er—Heaven's name did he close it?"

"He gave my self-respect a slap on the back, Lew, and I stood up."

Brookfield and his sister left the room. Lew followed slowly to the doorway, hoping for some greater light to be shed upon the question. As illumination failed he turned to the Justice and expressed his mental condition in a single favorite expletive:

"Stung!"

The Justice was sufficiently familiar with the slang of the period to be amused by Lew's laconic summary. His smile gave Lew courage for some critical vent.

"So you are responsible for these new ideas of Jack's?"

"In a measure," the Justice answered, as he took a chair. "Have the ideas apparently hurt Mr. Brookfield?"

"They've put him out of business—that's all." Ellinger endeavored to conceal a sneer.

"Which business?"

"Why, this house of his." Lew's hands involun-

tarily trembled in the veriest descriptive sketch of a deal as he nodded to the floor above, where the gambling paraphernalia had formerly been.

"I see," said Prentice, comprehending. "But his new ideas—don't you like them, Mr. Ellinger?"

"I like Jack Brookfield, love him like a brother, but I don't want even a brother askin' me if I'm sure I've thought it over when I start in to take the halter off for a pleasant evening. You get my idea?"

"I begin to," Prentice confessed, trying to hide his amusement.

"In other words," continued Lew, "I don't want to take my remorse first—it dampens the fun. The other day a lady at the races said, 'We've missed you, Mr. Ellinger,' and I said: 'Have you? Well, I'll be up this evening.'" A smile came over the old sport's face, and a new light crept into it that explained to Prentice's quick comprehension Lew's reputed popularity and the propriety of the ever-present pink in the button-hole. "And I'm pressing her hand and hanging onto it till I'm afraid I'll get the carriage grease on my coat, feelin' only about thirty-two, you know." He didn't look much older as he threw back his lapels. "Then I turn round and Jack has those sleepy lamps on me—and *bla!*" Lew threw out his hands and let them fall inertly. His knees sagged under him, and with one pirouette he sank into the sofa like an old fighter on the ropes.

"And you don't go?" Prentice concluded, when he could command his gravity.

"I do go, as a matter of self-respect." Lew sat up, full of resentful dignity. "But I don't make a hit.

I'm thinking so much more about those morality ideas of Jack's than I am about the lady that it cramps my style, and we never get past the weather and 'When did you hear from so and so?'" Lew rose from the sofa, disgusted with the memory of the ineffectual evening and the new ideas that had made it possible. "I want to reform, all right—I believe in reform; but first I want to have the fun of fallin', and fallin' hard."

Jo's voice was heard in the hallway; it was as full of alarm as if he had encountered a ghost. It rang through the library and echoed in the dining-room, where the startled hearers could scarcely believe the import of its cry.

"'Fore God, Marse Clay!" And then Clay's voice resounded in almost equal clearness in a hurry of words, from the confusion of which his mother's name might be distinguished. Mrs. Campbell was the first to enter the library.

"Why, that's Clay!" she exclaimed.

"It's the boy!" announced Lew.

"His mother!" fearfully breathed Mrs. Campbell. She faltered in an impulse to turn back toward Helen, but Clay was already in the library and in Mrs. Campbell's embrace as Prentice simultaneously said: "Acquittal."

Brookfield took one step into the dining-room, and was just in time to support Helen.

"My boy!" Helen cried. She tottered toward him.

Clay sobbed "Mother!" and sank to his knees, his face buried in her gown. The joy of his release found

vent in tears as there came over him a surging realization of the suffering he had caused.

Helen swayed, and would have fallen but for Jack's strong arm. With a sharp grip of the shoulder he said, in stimulating severity:

"He's free, Helen; he's free!"

"Yes, mother, I'm free!" Clay rose to his feet, his arms about his mother.

Helen's face sank on his breast. There was a hushed silence, in which the members of the party heard her sobbing whisper: "My boy! my boy!"

Jack left them and crossed the room, greeting Colonel Bailey, who had accompanied Clay to the house and now followed him into the room. Helen, roused by the stir about her, looked up and beyond her son to where Viola was standing by Mrs. Campbell, her fingers locked in a joy almost as intense and inarticulate as Helen's. The mother generously turned Clay's face and pointed to the girl.

"Viola, my brave sweetheart!" Clay whispered, as he took her in his arms.

"Is it really over?" Viola asked.

"Yes."

Jack was shaking Colonel Bailey's hand.

"It's a great victory, Colonel. If ever a lawyer made a good fight for a man's life, you did. Helen, Viola—you must want to shake this man's hand."

Viola, who was nearest, took the hand of the attorney as she met him.

"I could have thrown my arms around you when you made that speech."

The old cavalier shook his head gallantly. "Too

many young fellows crowding into the profession as it is."

The lawyer passed on to Helen, who said: "Life must be sweet to a man who can do so much good as you do."

"I couldn't stand it, you know," Bailey bantered, defensively, "if it wasn't that my ability works both ways."

"Marse Clay!" It was the trembling voice of Uncle Harvey, who, finding his dining-room deserted, had come into the library.

"Harvey! Why, dear old Harvey!"

Clay took him by both hands. The old darky proceeded to pat him on arms and shoulders, to be doubly sure that the boy was really back.

"Yes, suh — yes, suh — could you eat anything, Marse Clay?"

"Eat anything!" laughed the boy. "Why, I'm starving, Uncle Harvey!"

"Yes, suh." The old man capered from the room.

"But you come with me," said Clay to his mother and Viola.

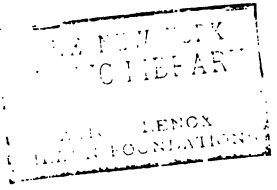
"My boy, Colonel," Helen apologized, as she left the room with Clay, taking Viola with her.

Bailey and Mrs. Campbell followed. Ellinger, who was the last of the procession to quit Brookfield and Prentice, said, as he left the room:

"Well, I don't believe I could eat anything—but I suppose there'll be something else."

Brookfield took from the table the threatening letter of Hardmuth.

"I'D LIKE TO KNOW HOW IN H..LL YOU DID THAT TO ME!"


LENOX

"Justice Prentice," he said, "I shall never doubt you again."

"Mr. Brookfield," the Justice answered, impressively, "never doubt yourself."

Brookfield's hand was above his head in touch with the button of the electrolier. There was the sound of rushing footsteps in the hallway. Hardmuth, livid of countenance, dashed into the room.

"You think you'll send me to the gallows; but, damn you, you go first!"

Both hands were struggling to free from his overcoat-pocket a double-barrelled derringer that had caught in the lining. The weapon was freed; there was the double click of the hammer as Hardmuth pushed it against Brookfield's body.

"Stop!" As if released by Brookfield's word the full light of the electrolier fell into Hardmuth's eyes.

Behind Brookfield one hand of the old Justice pointed at Hardmuth in silent but riveting command. Hardmuth's thought seemed to desert him. He felt in his face the glare of the light; he saw Brookfield's eyes, like two burning coals from which it was impossible to take his gaze. Behind Brookfield, in the circle of half-light, he felt rather than saw the eyes of Prentice. Through a haze of consciousness he heard Brookfield's level monotone—slow, compelling:

"You can't use that gun—you can't pull the trigger—you can't even hold the gun!"

Hardmuth heard the sound of the derringer as it

dropped from his inert grasp and struck the floor. And then again the voice of Brookfield:

"Now, Frank, you may go."

Hardmuth felt as one waking from a dream. In an awed and throaty whisper he said: "I'd like to know how in hell you did that to me!"

XV

WHEN Hardmuth reached the street the newsboys, who came as far south as Brookfield's only on extraordinary occasions, were crying the extras, with the report of Whipple's acquittal and the discovery of the Scovil murderer.

Hardmuth's impulse was flight.

He remembered that he had often commented on the lack of intelligence shown by criminals in flight. It had been easy to reconstruct the route of a fugitive from the report of his mistakes in the paper, or to show how he had lost time that had been fatal to him by aimlessly doubling on his tracks or stupidly hiding where his pursuers would most naturally search for him.

His great need consequently, he reasoned, was for a few minutes' calm reflection: if only he could have half an hour in his own room he was certain he could plan a means of escape from the arrest that was doubtless now under way; but he dared not go to his room. This must have been clear to his subconscious mind from the first as an instinct had guided his steps before his reason approved it, for he found himself walking swiftly away from the heart of the town. The night was bitter cold; few pedestrians were out. Hardmuth's direction would soon take him from the city,

but it would also take him into the State. His hope lay in reaching Indiana.

If he could only get some perspective upon himself. How would he advise another in his situation who might come to him for counsel? As he revolved this question in his mind the two voices of his subjective and objective self entered into debate:

"What are you going to do? Don't let this rattle you—brace up and answer me."

"Do? I don't know. What do you advise me to do?"

"Get under cover — keep still for a day or two. Brookfield has probably telephoned headquarters before this that you're running away, and the police are watching every bridge and highway."

Hardmuth had been walking south. He turned east over Ormsby Street and into Bainbridge. On that side of Louisville there lies a little chain of graveyards (St. Michael's, St. Louis, and Cave Hill), separated from one another by only a few blocks. At the end of an hour's walk Hardmuth was skirting the outside of Cave Hill Cemetery, the last of the chain, and coming into the district of railroad tracks. Suddenly he pulled up—this was commonplace and stupid. He was treading the very ground where he himself, in the discharge of his duty, would have directed the police to search for some besotted heeler who might have killed his sweetheart in a drunken jealousy!

Could he, in his emergency, do nothing original? Was there a stencil for the plans of the criminal? Probably all men tired and cold and hungry and hunted were much alike.

He had had no dinner. The day and evening had

been filled with exciting events. The reaction from the rush of murderous fury, checked only at the last moment when about to vent its hate, had left him weary. Strange how Brookfield did that! Some unusual shock—something he could not account for in his experience—had stayed his hand when Brookfield turned on that light and those two pairs of glowing eyes had burned into his brain. He almost reeled at the thought of it, and his hand instinctively went up to his eyes, as if he would shut out the sight. He pulled himself together and laughed aloud at his weakness. At this rate his strength and endurance would soon run out, and some patrolman would find him on the pavement before morning. He resolved to go to one of the cheaper hotels near the river, and take the small chance of recognition. He would have food and three or four stiff drinks, which, God knew, he needed. He would have a bed and a chance to sleep, and sleep late; and then, if they hadn't found him, he could wait until night again, when he might look up some friends whose interest it would be to assist him.

As he reached this decision he found himself crossing Jackson Street. This avenue was illuminated by a string of arc-lights hung on a single line, gemlike, through its entire length. Hardmuth paused. He recognized the neighborhood. At the foot of this street lived a colored woman who had once been a servant in his mother's home; her house would be a surer refuge than a hotel; besides, she would be a safe messenger in communicating with his friends. He turned north, and moved along Jackson Street

toward the river; not another human being was in sight. The only evidence of life was a little light in the watch-tower of the signal-man who controlled the barriers guarding the railway crossing. He passed the Chesapeake & Ohio big freight-house, through the grilled end of which came that damp odor of traffic blent of sugar, tobacco, and sacked coffee. He crossed the tracks, and went on through the shadows of the colossal pipe and foundry company. One block farther on he paused. On his left two monstrous piles—the city's gas-tanks—loomed into the twinkling, frosty night. Against the sky-line to his right, a block or two away, was silhouetted the faint tracery of the railway bridge, broken by the battery of smoke-stacks above a rambling foundry. About him on the cinders and brick fill-in were old and rusting boilers, gigantic spools of unused cable, and gnarled and twisted heaps of iron. In their midst, and from a lower level, peeped the chimney of Mandy's cottage. A little fence of uneven and unequal boards made a pretence at enclosure.

Through the maze of rubbish Hardmuth groped his way. He mounted the flight of rickety steps that led up over the half story which formed a basement to the house and rapped on the door. From within came a challenge. Hardmuth answered:

"That you, Mandy? Is George there? Open the door."

There was a shuffling of footsteps, then the striking of a match; a light shone through a crack in the weather-warped panel of the door, a hand fell on the knob, a man's voice asked:

"Who is it?"

"Me, George — Mandy knows my voice — put out the light before you open the door."

The woman's voice was heard in lower tone:

"It's Marse Frank—blow out de light, like he done tell you."

The light went out; the door opened; the prosecuting attorney disappeared into the shadow, a fugitive from justice.

The evening after the trial Viola and Clay sat together in the library of the Brookfield house. It had been a day of incident and excitement.

"I must really say good-night and let you get some sleep," Viola said, sympathetically.

"Not before Jack gets home," Clay pleaded. "Our mothers have considerately left us alone together; they'll just as inconsiderately tell us when it's time to part."

"My mother said it was time half an hour ago."

"Wait until Jack comes in," Clay coaxed.

The young darky, Jo, brought in a card.

"Dey's another reporter to see you, suh."

"Send him away," Viola directed. "Mr. Whipple won't see any more reporters."

"Wait a minute," said Clay. "Who is he?" Jo handed him the card. "I've got to see this one, Viola."

"Why got to?"

"He's a friend. I'll see him, Jo."

"Yes, suh." Jo left the room.

"You've said that all day—they're all friends," Viola remonstrated.

"Well, they are; but this boy especially. It was fine to see you and mother and Jack when I was in that jail—great; but you were there daytimes. This boy spent hours on the other side of the bars helping me pass the awful nights. I tell you, death-cells would be pretty nearly hell if it wasn't for the police reporters; ministers ain't in it with 'em."

Jo ushered the reporter into the room.

"How are you, Ned?" Clay took his hand, greeting him cordially. "You know Miss Campbell, Mr. Emmett."

The reporter nodded affably; Viola bowed.

"Have a chair."

"Thank you." Emmett looked about the warm and luxurious room. "This is different, isn't it?"

"Some," returned Clay, in the national habit of understatement.

"Satisfied the way we handled the story?" Emmett asked, as he took the offered chair.

"Perfectly; you were just bully, old man."

"That artist of ours is only a kid, and they work him to death on the 'Sunday,'" Emmett explained to Viola; "so"—apologetically to Clay—"you understand, don't you?"

"Oh, I got used to the pictures a year ago."

There was an awkward pause; then Emmett coughed and proposed: "Anything you want to say?"

"For the paper?" Viola asked.

"Yes."

"I think not," Clay answered.

Just then Helen and Alice came into the room.

"You have met my mother?" said Clay. Emmett

answered, "No"; and Clay introduced him, adding, proudly: "This is Mr. Emmett, of whom I've told you."

"Oh, the good reporter!" Helen exclaimed, appreciatively.

"Gee! That would be a wonder if the gang heard it!" Emmett whispered, laughingly, to Clay; then in assent to Helen: "We got pretty well acquainted—yes'm."

"Won't you sit down, Mr. Emmett?" Mrs. Campbell asked.

"Thank you. I guess we've covered everything," the reporter continued, in the business-like manner of his profession; "but the chief wanted me to see your son"—turning to Helen and then to Clay—"and see if you'd do the paper a favor."

"If possible—gladly."

"I don't like the assignment because — well, for the very reason that it was handed to me, and that is because we're more or less friendly."

Brookfield came in briskly from the hall. He was still wearing the great fur coat he had worn in the automobile, and carried in his hand his cap and goggles.

"Well, it's a wonderful night outside," he said, joyously.

"You're back early," his sister offered.

"Purposely. How are you, Emmett?" The reporter bowed. "I thought you girls might like a little run in the moonlight before I put up the machine," Jack explained.

"Mr. Emmett has some message from his editor," Helen said.

"What is it?"

"There's a warrant out for Hardmuth—you saw that?" Emmett asked of the entire group.

"Yes, we saw that," Viola said.

"To-night's paper," Jack added.

"If they get him," Emmett continued, "and he comes to trial and all that, it will be the biggest trial Kentucky ever saw."

"Well?" Clay prompted.

"Well, the paper wants you to agree to report it for them—the trial. There'll be other papers after you, of course."

"Oh no!" Viola exclaimed, horrified, going instinctively to Clay's side.

"Understand, Clay, I'm not asking it," Emmett said, apologetically. "I'm here under orders, just as I'd be at a fire or a bread riot."

"And of course"—Clay hesitated, searching for a diplomatic refusal—"you understand, don't you?"

"Perfectly," the reporter answered. "I told the chief myself you wouldn't see it."

"Paper's been too friendly for me to assume any—any—"

"Unnecessary dignity," Jack suggested.

"Exactly; but I just couldn't do that, you see."

"Oh, leave it to me; I'll let you down easy," Emmett assured him.

"Thank you."

"You expect to be in Europe or—"

"But I don't."

"We're going to stay right here in Louisville," Viola declared, putting her hand in Clay's.

"Yes," added the boy, "and work out my—my rehabilitation among the people who know me."

"Of course," Emmett said, understandingly. "Europe's just to stall off the chief—to get him off on some other dope."

Helen rose anxiously from the sofa with the impulse of protest.

"It's all right," Jack said to her.

"I hate to begin with a falsehood."

"Not your son, Mrs. Whipple—me," Emmett laughed. He turned to Jack. "I saw some copy on our telegraph desk, Mr. Brookfield, that would interest you."

"Yes?"

"Or maybe you know of it? Frankfort?"

"No."

"Some friend named you in the caucus."

"What connection?"

"Governor."

"Uncle Jack?" Viola asked, enthusiastically.

"Yes'm—that is, for the nomination."

All looked at Brookfield. There was but a moment's serious consideration for Jack before he laughed:

"It's a joke."

"Grows out of these Hardmuth charges, of course," Emmett assented, smiling.

"That's all," Jack answered.

The reporter said good-night and left the room. Clay, after accompanying him to the door, returned, his face set and bearing the stamp of malignant determination.

"If it weren't for the notoriety of it, I'd like to do that."

"My son!" Helen exclaimed, reproachfully.

"Why would you like to do it?" Jack asked, quietly.

"To get even. I'd like to see Hardmuth suffer as he made me suffer; I'd like to watch him suffer and write of it."

"That's a bad spirit to face the world with, my boy."

"I hate him!"

"Hatred is heavier freight for the shipper than it is for the consignee."

"I can't help it."

"Yes, you can. Mr. Hardmuth should be of the utmost indifference to you; to hate him is weak."

"Weak?" Viola interjected.

"Yes, weak-minded," pursued her uncle. "Hardmuth was in love with you at one time—he hated Clay. He said Clay was as weak as dish-water, and"—facing the boy and looking him straight in the eyes "you were at that time. You've had your lesson—profit by it—its meaning was self-control. Begin now if you are going to be the custodian of this girl's happiness."

"I'm sure he means to, Jack," Helen interposed.

"You can carry your hatred of Hardmuth and let it embitter your whole life, or you can drop it—so." Jack let fall on the table the book he had taken up. "The power that any man or any thing has to annoy us we give him or it by our interest. Some idiot told your great-grandmother that a jewel with different colored strata in it was 'bad luck' or a 'hoodoo.' She

believed it, and she nursed her faith and passed the lunacy on to your grandmother."

"Jack, don't talk of that, please," Helen protested.

"I'll skip one generation; but I'd like to talk of it."

"Why talk of it?" Mrs. Campbell ventured to ask.

"It was only a notion, and an effort of will can banish it." Jack was again speaking to the boy.

"It was more than a notion."

"Tom Denning's scarf-pin, which he dropped there"—he pointed to the floor—"was an exhibit in your trial; Colonel Bailey returned it to me to-day." Brookfield put his hand in his pocket.

"I wish you wouldn't, Uncle Jack," Viola said, timidly.

"You don't mind, do you?" Brookfield asked Clay.

"I'd rather not look at it to-night." The boy's face was averted, his voice trembled.

"You needn't look at it," Brookfield said, quietly; "I'll hold it in my hand, and you put your hand over mine."

"I really don't see the use in this experiment, Jack," Mrs. Campbell fluttered. Clay had obediently placed one hand over Brookfield's, but he still kept his eyes averted.

"That doesn't annoy you, does it?" Brookfield asked.

"I'm controlling myself, sir," the boy answered, through shut teeth, "but I feel the influence of that thing all through and through me."

"Jack!" Helen pleaded.

Viola turned away, unable to bear the sight of the boy's suffering.

"Down your back, isn't it?" Jack persisted, relentlessly, "and in the roots of your hair—tingling?"

"Yes."

"Why torture him?" Helen demanded.

"Is it torture?" Jack asked of Clay.

"I shall be glad when it's over, sir," the boy answered, with an additional effort at self-control.

"What rot!" Brookfield threw off Clay's hand. He opened his own. "That's only my night-key—look at it!" The boy turned and looked. "I haven't the scarf-pin about me!"

"Why make me think it was the scarf-pin?" Clay asked, with a considerable show of frightened indignation.

"To prove to you that it's only *thinking*—that's all. Now, be a man. The cat's-eye itself is in that table drawer. Get it, and show Viola that you're not a neuropathic idiot." Clay crossed to the table. "You're a child of the everlasting God, and nothing on the earth or under it can harm you in the slightest degree!" Clay had opened the drawer and taken from it the scarf-pin; he held it at arm's-length before him. "That's the spirit—look at it!" Brookfield took Clay by the wrist and pushed the jewel immediately before his eyes. "Look at it close—I've made many a young horse do that to an umbrella—now give it to me." Brookfield took the scarf-pin and carried it to Viola. "You're not afraid of it?"

"Of course I'm not," the girl smiled.

Brookfield stuck the pin in the lace at her throat. He turned to Clay.

"WHAT ROT! THAT'S ONLY MY NIGHT-KEY—LOOK AT IT. I HAVEN'T THE SCARF-PIN ABOUT ME"

THE NEW YORK
PUBLIC LIBRARY
ASTOR, LENOX
AND TILDEN FOUNDATIONS

"Now, if you want my niece, go up to that 'hoodoo' like a man."

His fear of the jewel now apparently under complete control, Clay went up to Viola and took her in his arms.

"Oh, Jack!" Helen exclaimed, happily, "do you think that will last?"

"Which?" Brookfield asked, with a laugh—"indifference to the 'hoodoo' or partiality to my niece?"

"They'll both last," Clay answered, with resolution.

"Now, my boy"—Jack turned to him, his seriousness resumed—"drop your hatred of Hardmuth as you drop your fear of the scarf-pin. Don't look back—your life is ahead of you; don't mount for the race overweighted."

Jo announced Mr. Ellinger. Lew had followed him to the doorway, and entered the dining-room behind him.

"I don't intrude, do I?" It was almost a challenge.

"Come in."

Lew was in a gale of excitement. He greeted the ladies affably; he turned to the young people.

"Ah, Clay, glad to see you looking so well; glad to see you in such good company!" And then to Jack, in triumph: "I've got him!"

"Got whom?" said Brookfield.

"Hardmuth. Detectives been hunting him all day, you know."

"He's caught, you say?" Helen asked, excitedly.

"No; but I've treed him." Ellinger turned to

Brookfield. "And I thought I'd just have a word with you before passing the tip. He's nearly put me in the poor-house with his raids and closing laws, and I see a chance to get even."

"In what way?" Brookfield asked.

"They've been after him nearly twenty-four hours —morning paper's going to offer a reward for him, and I understand the State will also. If I had a little help I'd hide him for a day or two, and then surrender him for those rewards."

"Where is Hardmuth?"

"Hidin'."

"Naturally," Brookfield commented.

"You remember 'Big George'?"

"The darky?"

"Yes; used to be on the door at Phil Kelly's."

"Yes."

"He's there—in 'Big George's' cottage—long story." Lew turned with an air of importance to the ladies. "'Big George's' wife—that is—she—" Ellinger hesitated as his eyes fell on Viola. "Well, his wife used to be pantry-maid for Hardmuth's mother. When they raided Kelly's game 'Big George' pretended to turn State's evidence, but he really hates Hardmuth like a rattler—so it all comes back to me. You see, if I'd win a couple of hundred at Kelly's I used to slip George a ten goin' out." This explanation was unctuously given to the ladies: "Your luck always stays by you if you divide a little with a nigger or a hump-back, and in Louisville it's easier to find a nigger. So—"

"He's there now?" Brookfield interrupted.

"Yes. He wants to get away. He's got two guns, and he'll shoot before he gives up, so I'd have to 'con' him some way. George's wife is to open the door to Kelly's old signal — you remember — one knock, then two, and then one." Ellinger acted out the signal, rapping on the table.

"Where is the cottage?"

"Hundred and seven Jackson Street—little door-yard—border of arbor-vitæ on the path."

Jack took a sheet of paper and envelope from the table-rack and began to write.

"One knock, then two, and then one?" he asked, without looking up.

"What you goin' to do?" Ellinger inquired, alertly.

"Send for him."

"Who you goin' to send?" There was a suggestion of physical recoil as the old sport asked the question.

"That boy there," Brookfield answered.

"Me?" Clay rose to his feet.

"Yes."

"Oh no—no!" Helen exclaimed, aghast.

"And my niece," Brookfield added.

"What!" Viola cried, in alarm. "To arrest a man?"

"My machine is at the door," Brookfield instructed Clay. "Give Hardmuth this note—he will come with you quietly. Bring him here. We will decide what to do with him after that."

"I can't allow Viola to go on such an errand," Mrs. Campbell protested to her brother.

"When the man she has promised to marry is going into danger?" Brookfield upbraided his sister.

"If Mr. Hardmuth will come for that note, why can't I deliver it?" Viola inquired, with an undefined impulse for the heroic.

"You may," her uncle answered, smiling, "if Clay will let you." He extended the note to the girl; Clay took it from him before Viola could do so.

"I'll hand it to him."

"I hope so," Brookfield answered. He took his fur coat and goggles from the chair where he had laid them. "Take these," he said, handing them to Clay. "Remember: one rap, then two, then one."

"I understand," said the boy; "number—"

"Hundred and seven Jackson Street," Ellinger supplied.

"I protest," Mrs. Campbell once more interposed.

"So do I," said Helen, joining her.

Jack turned to the younger couple.

"You're both of age—I ask you to do it. If you give Hardmuth the goggles nobody will recognize him, and with a lady beside him you'll get him safely here."

"Come!" said Clay, decisively, to Viola.

"I ought to be in the party!" Ellinger called, bustling after them.

"No," Brookfield commanded, "you stay here."

"That's scandalous!" Mrs. Campbell pronounced, in high dudgeon with her brother.

"But none of us will start the scandal, will we?" Brookfield asked his sister, in aggravating calm.

Helen turned to him and said: "Clay knows nothing of that kind of work. A man with two guns—think of it!"

"After he's walked barehanded up to a couple of guns a few times he'll quit fearing men armed only with a scarf-pin," Brookfield replied.

"It's cruel to keep constantly referring to that—mistake of Clay's. I want to forget it."

Jack took Helen's hand tenderly in his own.

"The way to forget it, my dear Helen, is not to guard it, a sensitive spot in your memory, but to grasp it as the wise ones grasp a nettle—crush all its power to harm you in one courageous contact. We think things are calamities and trials and sorrows—only names; they are spiritual gymnastics, and have an eternal value when once you confront them and make them crouch at your feet. Say once for all to your soul, and thereby to the world: 'Yes, my boy killed a man because I'd brought him up a half-effeminate, hysterical weakling; but he's been through the fire, I've been through the fire, and we're both the better for it.'"

"I can say that truthfully," Helen half sobbed, "but I don't want to make a policeman of him just the same." She withdrew her hand from Jack's, and, on the verge of tears, went out of the room, followed by Mrs. Campbell, who added, disapprovingly, as she left:

"Your treatment is a little too heroic, Jack!"

XVI

LEW waited anxiously until Jack had lighted a cigar, and then, unable to restrain his impatience longer, he asked:

"Think they'll fetch him?"

"Yes."

"He'll come, of course, if he does under the idea that you'll help him when he gets here."

"Yes."

"Pretty hard double-cross," Lew ruminated, "but he deserves it." There was a pause, and then he went on, confidentially: "I've got a note of fifteen thousand to meet to-morrow or, damn it, I don't think I'd fancy this man-huntin'. I put up some Louisville & Nashville bonds for security, and the holder of the note will be only too anxious to pinch 'em."

Brookfield took a check-book from the drawer of the table and began to write, saying as he did so:

"You can't get your rewards in time for that."

"I know, and that's one reason I come to you, Jack. If you see I'm in a fair way to get the rewards—"

"I'll lend you the money—" Jack took him up.

"Thank you—I thought you would. If I lose those bonds they'll have me selling programmes for a livin' at a grandstand. You see, I thought hatin' Hardmuth

as you do, and your reputation bein' up through that stuff in the papers—" .

"There." Brookfield handed Ellinger the check.

"Thank you, old man." Lew scanned the check. "I'll hand this back to you in a week."

"You needn't."

"What!"

"You needn't hand it back. It's only fifteen thousand, and you've lost a hundred of them at poker in these rooms."

"Never belly-ached, did I?"

"Never." Brookfield smiled. "But you don't owe me that fifteen."

"Rot! I'm no baby. Square game, wasn't it?"

"Perfectly."

"And I'll sit in a square game any time I get a chance." Ellinger folded the check and put it into his vest-pocket.

"I know, Lew, all about that."

"I'll play you for this fifteen right now." Ellinger's fingers had not left the paper, and they reproduced it from his pocket with comical eagerness.

"No."

"Ain't had a game in three weeks." There was a genuine note of appeal in the voice. "Besides, I think my luck's changin'. When 'Big George' told me about Hardmuth, I took George's hand before I thought what I was doin', and you know what shakin' hands with a nigger does just before any play."

"No, thank you, Lew," Jack repeated.

"My money's good as anybody else's, ain't it?" the old gamester badgered.

"Just as good, but—"

"'Tain't a phoney check, is it?" Ellinger scanned the paper with close scrutiny.

"The check is all right," Brookfield said, restraining his amusement with difficulty.

"Losing your nerve?" Ellinger taunted.

"No!" Brookfield was immediately ashamed of the anger in his tone. "Suppose you shuffle those cards and deal a hand." He pointed to the side-table upon which a deck of cards was lying.

"That's like old times." Lew brightened. "What is it—stud-horse or draw?"

"Draw, if you say so." Brookfield went to the opposite side of the room, where he stood in front of the fireplace.

"I cut 'em?" Lew inquired, as he finished the shuffle.

"You cut them."

Ellinger was dealing. "Table stakes—this check goes for a thousand."

"That suits me."

"Sit down," Lew invited, eager for the game.

"I don't need to sit down just yet," Brookfield said, from his position before the fire.

"As easy as that, am I?" Ellinger grumbled. He was squeezing his five cards and cautiously reading their marginal characters. There was a moment's pause as Brookfield gazed into the fire.

"Lew."

"Yes."

"Do you happen to have three queens?"

Ellinger drew his cards toward him in instinctive

defence, gave a startled look at Brookfield, whose back was to him, turned the cards over, examining them with expert eye and touch, then looked at the remaining cards in the deck.

"Well, I can't see it," he said.

"No use looking—they're not marked."

"Well, I shuffled them all right?"

"Yes," Brookfield assented.

"And cut 'em?"

Brookfield nodded.

"Couldn't have been a cold deck?"

"No," said Jack.

"Then how did you know I had three queens?"

"I didn't know it—I just thought you had." Brookfield spoke slowly and sadly as he returned to the centre of the room.

"Can you do it again?"

"I don't know." Brookfield paused. "Draw one card."

Ellinger obeyed. "All right."

"Is it the ace of hearts?" Brookfield asked, without looking toward him.

"It is." Ellinger put down the card in a hush of wonderment. Brookfield took the cigar from his lips and slowly ground out its light in the bronze ash-tray on the table. He was as visibly affected as Ellinger, though in quite a different way.

"Turns me into a rotter, doesn't it?" he commented, sadly.

"Can you do that every time?" Lew's inquiry had a suspicious alertness.

"I never tried it until to-night," Brookfield an-

swered, slowly—"that is, consciously. I've always had luck, and I thought it was because I took chances on a guess, same as any player; but that doesn't look like it, does it?"

"Beats me," Ellinger confessed.

"And what a monster it makes of me—these years I've been in the business."

"You say you didn't know it before?" Ellinger repeated, his little eyes a-glitter with interest.

"I didn't know it—no; but some things have happened lately that made me think it might be so: that jury yesterday"—Brookfield recurred to the event with impressive solemnity—"some facts I've had from Justice Prentice—telepathy of a very common kind, and I guess it's used in a good many games, old man, we aren't on to." Brookfield was half sitting on the large table in the centre of the room. Lew leaned forward on the edge of his chair at the little card-table opposite him.

"Well, have you told anybody?"

"No."

"Good!" Lew stood up in great excitement. "Now see here, Jack"—he came quickly to Brookfield—"if you can do that right along I know a game in Cincinnati where it would be like takin' candy from children."

"Good God!" Brookfield exploded. He turned with an impulse of denunciation upon the old gambler at his side. One look into Lew's keen face, however, convinced him that there was no room for moral consideration in the undiluted rascality of Lew's intention. Brookfield could only say: "You're not suggesting that I keep it up?"

"GOD A'MIGHTY GIVES YOU A MIND LIKE THAT AND YOU WON'T GO WITH ME TO CINCINNATI"

THE NEW YORK
PUBLIC LIBRARY
ASTOR, LENOX
AND TILDEN FOUNDATIONS

"Don't overdo it—no," said the old man, cautiously; "or you show me the trick and I'll collect all right."

Brookfield was thinking.

"Lew," he said, slowly, when at length he spoke, "some of the fellows I've won from in this house have gone over into the park and blown their heads off."

"Some of the fellows anybody wins from, in any house, go somewhere and blow their heads off," Lew drawled, discouragingly.

"True," Brookfield said.

"Three queens," Ellinger murmured, with growing wonder—"before the draw—well, you could have had me all right. And you won't tell me how you do it?" he pleaded, sadly.

"I don't know how I do it—the thought just comes to my mind stronger than any other thought."

Lew fixed his disapproving gaze upon Brookfield, and in the very superlative of rebuke exclaimed:

"God A'mighty gives you a mind like that, and you won't go with me to Cincinnati!"

Jo entered, and announced Justice Prentice.

"Ask him to step up here," Brookfield ordered. He then went to the door of the dining-room, and called to his sister and Helen: "Justice Prentice is coming up, and I'd like you to join us!"

Lew was again affectionately regarding the five cards he had dealt himself.

"Can the old man call a hand like that, too?" he asked Brookfield.

"I'm sure he could," said Jack.

"And are there others?" Ellinger inquired, his

sense of wonder at the trick overborne by sudden hopelessness.

"I believe there are a good many others who unconsciously have the same ability."

"Well, it's a God's blessin' there's a sucker born every minute. I'm a widow and an orphan 'longside of that." Lew threw the cards on the table in disgust.

"Been losing, Mr. Ellinger?" Mrs. Campbell inquired, as she and Helen came into the room.

"Losing? I just saved fifteen thousand I was goin' to throw away like sand in a rat-hole. I'm a babe eatin' spoon-victuals, and only gettin' half at that." Lew sorrowfully replaced the check in his pocket.

The Justice came into the room.

"I stopped at your hotel, Mr. Justice," Jack said, "but you were out."

"Yes," Prentice explained, "I have been making a few parting calls, and I stopped—"

The hurried entrance of Viola and Mrs. Campbell's exclamation at sight of her interrupted the Justice.

"Where's Clay?" Helen asked, with repressed excitement.

"Down-stairs."

Viola greeted the Justice and turned to Brookfield, who excused himself to the others, and, stepping aside with his niece, inquired:

"Did the gentleman come with you?"

"Yes."

Ellinger overheard this reply, and his own nervousness added to the uneasiness of the group.

"Won't you ask Clay, my dear," Brookfield con-

tinued to Viola, "to take him through the lower hall and into the dining-room until I'm at liberty?"

"Certainly." Viola left on her errand.

"I am keeping you from other appointments," Prentice said.

"Nothing that can't wait."

Brookfield offered him a chair, but the Justice declined it, and going to the ladies he extended his hand.

"I am leaving for Washington in the morning."

"We shall all be at the train to see you off, Mr. Justice," said Brookfield.

"That's good, because I should like to say good-bye to the young people—I can see them there. I sha'n't see you then, Mr. Ellinger?" Prentice crossed to where Lew was still standing by the three queens, gone but not forgotten. He extended his hand.

"Good-bye, Mr. Justice," said Lew; "you've given me more of a 'turnover' than you know."

"Really?"

"I'd 'a' saved two hundred thousand dollars if I'd met you thirty years ago."

"Well, that's only a little over six thousand a year, isn't it?"

"That's so; and, damn it, I have lived!" At this statement, and with the recollection behind it, there came into Lew's ruddy-duck smile that unctuous suggestion of good feeling which was peculiarly his own. The smile abided, and the retrospection grew during the succeeding moments in which the Justice was bidding farewell to the ladies and leaving Jack in the hallway.

As Jack returned, his sister, who had been looking into the dining-room, came quickly to him.

"Is that Hardmuth in there?" she asked, nodding over her shoulder.

"Yes," Jack answered.

"I don't want to see him."

"Very well, dear; I'll excuse you."

"Come, Helen." Mrs. Campbell left the room.

"I'd like you to stay," Jack said to Helen.

"Me?"

"Yes."

Left alone with Helen and Ellinger, Brookfield crossed to the dining-room door and opened it.

"Come in," he said.

Viola entered, followed by Hardmuth and Clay. In her excitement she had forgotten to lay off the fur coat which she had worn in the automobile. As Brookfield removed the coat from her shoulders he said to her:

"Your mother has just left us, Viola; you had better join her."

"Very well." As the girl started to go out her uncle took her hand, detaining her a moment.

"I want you to know, my dear, how thoroughly I appreciate your going on this errand for me. You're the right stuff!" Jack kissed her affectionately; Viola left the room.

Brookfield turned to Hardmuth, who was standing by the side of Clay. Hardmuth was haggard and had a hunted look. He wore a dark overcoat of some light material; in his hand he held the automobile goggles which Clay had given him. Brook-

field found it difficult to put into speech the severity which he felt the situation demanded.

"You are trying to get away?" he began, interrogatively.

"This your note?" Hardmuth said, in reply, extending Brookfield's letter.

"Yes."

Hardmuth glanced at the page. "You say you will help me get out of the State?"

"I will."

"When?"

"Whenever you are ready."

"I'm ready now."

"Then I'll help you now."

"Now?" Ellinger cried out, in astonishment.

"Yes."

"Doesn't that render you liable in some way, Jack, to the law?" Helen said, anxiously.

"Yes; but I've been liable to the law in some way for the last twenty years." Brookfield turned to Clay. "You go down and tell the chauffeur to leave the machine and walk home; I'm going to run it myself, and I'll turn it in."

"Yes, sir." Clay left the room.

"You're going to run it yourself?" Hardmuth asked, with quick suspicion.

"Yes."

"Where to?"

"Across the river, if that's agreeable to you—or any place you name."

"Anybody waiting for you across the river?"

"No."

Again Hardmuth extended Brookfield's letter. "Is this all on the level?"

"Completely."

"Why, I believe you mean that," Ellinger said, in perplexity to Jack.

"I do."

"But I've got something to say, haven't I?"

"I hope not." Brookfield's answer was full of authority.

"Well, if you're in earnest, of course," Lew apologized; "but I don't see your game."

"I'm not fully convinced of Mr. Hardmuth's guilt."

"Why, he's runnin' away!"

"I know what a case they would make against me," Hardmuth blustered; "but I'm not guilty in any degree."

"Frank," Brookfield sternly interrupted, "I want to do this thing for you; don't make it too difficult by any lying. When I said I wasn't fully convinced of your guilt, my reservation was one you wouldn't understand." He crossed to the mantel and pushed the electric button. Clay had entered the room while he was speaking, and stood respectfully waiting to report. Brookfield now inquired of the boy:

"Is he gone?"

"Yes."

"My coat and goggles?"

"Below in the reception-room," Clay said.

"Thank you. I wish now you would go to Viola and her mother, and keep them wherever they are."

"All right, sir." Clay left the room; Brookfield turned to Hardmuth.

"Hungry?"

"No, thank you."

"Got money?"

"Yes."

The darky boy came in answer to the bell. "Jo, take Mr. Hardmuth below and lend him one of the fur coats." And then to Hardmuth, "I'll join you immediately."

Hardmuth followed the boy from the room.

Again left alone with Ellinger and Helen, Brookfield turned to Lew and said:

"Lew, I called that ace of hearts, didn't I?"

"And the three queens," Lew answered, with reminiscent regret.

"Because the three queens and the ace were in your mind."

"I don't see any other explanation."

"But suppose instead of the cards there had been in your mind a well-developed plan of assassination—the picture of a murder—"

"Did you drop to him that way?"

"No; Raynor told me all I know of Hardmuth. But here's the very hell of it." It was evident to Helen that Brookfield's mental agony was unfeigned. "Long before Scovil was killed I thought he deserved killing, and I thought it could be done just as it was done."

"Jack!" Helen exclaimed, in a whisper.

"I never breathed a word of it to a living soul, but Hardmuth planned it exactly as I dreamed it, and, by God, a guilty thought is almost as criminal as a guilty deed! I've always had a considerable influence over that poor devil that's running away to-

night, and I'm not sure that before the Judge of both of us the guilt isn't mostly mine."

In her wish to diminish Brookfield's mental suffering, Helen sympathetically took his hand. "That's morbid, Jack, dear," she urged—"perfectly morbid."

"I hope it is; we'll none of us ever know in this life." He turned to Ellinger. "But we can all of us—"

"What?" asked Lew, as Brookfield paused.

"Live as if it were true." With an effort Brookfield threw off the sombreness of his mood and prepared for action. "I'm going to help him over the line. The roads are watched, but the police won't suspect me, and they won't suspect Lew, and all the less if there is a lady with us." He turned again briskly to Ellinger. "Will you go?"

"The limit," the old sport answered, in characteristic phrase.

"Get a heavy coat from Jo."

"All right."

Brookfield was left alone with Helen. He turned to where she was sitting at one end of the library-table. The hour, the lighting of the room, their relative positions recalled with photographic vividness their conversation on the night of the opera, the conversation in which he had received the first hint of the power of which he had since become so responsibly conscious, and which had worked such regeneration in his life. He put one hand over her hand, resting on the table as it had rested then.

"You know you said I used to be able to make you write to me when I was a boy at college?"

"Yes."

"And you were a thousand miles away while this fellow Hardmuth was just at my elbow half the time."

Helen rose quickly and came to him close. "It can't help you to brood over it, Jack."

He took both her hands in his, laying them upon his breast in the protective and tender way that had grown upon him.

"It can help me to know it and make what amends I can. Will you go with me while I put this poor devil over the line?"

"Yes, I'll go with you," she answered at once. She turned and got from the sofa the great-coat that Viola had worn.

Brookfield took it from her and held it, assisting her to put it on. As he hooked the chain fastening of the collar under her chin, he said:

"Helen, you stood by your boy in the fight for his life."

"Didn't *you?*"

Brookfield looked pleadingly into the eyes of the woman he loved. "Will you stand by me," he asked, "while I make my fight?"

She answered, simply: "You've made your fight, Jack—and you've won."

THE END